

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 29 June 2016 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 15 June 2016 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents

specifically referred to in the reports.

- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

Development Management Committee Schedule

29 June 2016

Item Number: 1

Committee Date: 29 June 2016

Application Reference:	16/0065	Type of Application:	Full Planning Permission
Applicant:	Euro Garages Ltd	Agent :	PWA Planning
Location:	MILL FARM, FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3HD		
Proposal:	PROPOSED ERECTION OF 4 PUMP PETROL FILLING STATION INCLUDING SINGLE STOREY RETAIL BUILDING (CLASS A1), CANOPY, PARKING AREA AND ASSOCIATED WORKS. ERECTION OF SINGLE STOREY BUILDING PROVIDING 'DRIVE THRU' RESTAURANT (CLASS A3) AND ASSOCIATED WORKS INCLUDING CAR PARKING.		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	21	Case Officer:	Kieran Birch
Reason for Delay:	Deferred for further information at previous Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7959489,-2.8890215,343m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Introduction

This application was presented to Committee for a decision on 27 April 2016 where the minutes record that it was *"Deferred to allow further consideration of the retail impacts of the development on neighbouring centres, with a Retail Impact Assessment to be requested from the applicant to assist in this."*

Further Information

The applicants have submitted an addendum to the retail assessment submitted with the original hybrid application 13/0655. A summary of the points made and findings of the report is as follows;

The report is intended to cover the likely retail impact of the increased retail offer associated with the petrol filling station (PFS). The floorspace of the proposed facility has increased from the 100sqm originally envisaged in the outline planning proposals to the current proposals which amount to a building of 340sqm. The report is an addendum to the original retail impact assessment which was accepted by the LPA when considering application 13/0655. There is unlikely to be any material change in circumstances since that time that would affect matters related to the retail effect of the proposed development in this case.

The report includes the net convenience retail floorspace of the PFS unit and considers the impact of the unit as a separate element of 'pass-by' / local 'top-up' convenience retail space and how this

might affect Kirkham centre and the other local centres in the sub area identified in the Fylde Retail Study. It also extrapolates the likely trade diversion (utilising Table 5 of the RIA) using an assessment of the likely trade draw/diversion and also provides a commentary on the manner in which the retail elements of the PFS schemes operate within the local market.

Whilst the retail unit is considered integral to, and an ancillary element of, the petrol filling station there is some potential for it to bring convenience retail use that has some effect on existing offerings. The primary role of a PFS is to serve passing motorists, with a secondary role to serve local residents. In this respect a large portion of PFS trade will originate outside the local area.

In retail terms the development will primarily cater for top-up/basket shopping. The trade draw pattern will therefore be orientated primarily towards food stores in that sector. The trade draw estimation is based on that the unit will attract passing trade from people passing the site either as PFS customers or other motorists who live further afield. This is estimated as accounting for 50% of turnover. Top up shopping in respect of goods that might be bought normally at Morrisons in Kirkham are estimated to account for 20% of the turnover for the unit. A localised walk in catchment for essentially day to day/top-up shopping needs is estimated to account for the remaining 30% of the trade.

The gross floor space is 341sqm of which 100sqm is taken up by the back of house and Subway area. This leaves 250 sqm of net retail floorspace which is the figure used in the impact calculation. The operator (Spar) has supplied information on the benchmark convenience retail sales density (turnover / sq.m) for this type of PFS retail floorspace. The figures are said to be within the region of £2,750 / sq.m which has been used in the assessment. Based on the net floorspace of 250 sq.m provides a benchmark convenience turnover for the unit of £0.69M.

Utilising tables 4 and 5 of the earlier retail assessment it is possible to include this level of retail turnover to arrive at a trading impact figure. The overall turnover from the local catchment is around £350,000 and is likely to result in a trading impact of around 3.2% reducing to 3% in ten years in the local shops in Kirkham/Wesham. In itself this level of trade diversion and loss (£0.09 M) will have no material impact on the vitality and viability of the town centre as a whole.

Taken together as a cumulative impact with the Aldi store, which has different trade diversion characteristics, the effect is a total trade loss for the local small traders of £0.24m and £0.09m or circa £0.33 is the equivalent of -11.6% convenience goods trading impact. This is considered to be a modest impact given the relative buoyancy of the smaller scale retail offer in Kirkham town centre.

The assessment has demonstrated that the proposals will result in a modest diversion of trade from existing retailers within Kirkham town centre and would not give rise to any significant adverse 'town centre' impacts. The NPPF indicates that;

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused".

The corollary of this is that schemes that do not give rise to significant adverse impacts should be given favourable consideration and should not be rejected for retailing reasons. It is therefore considered that the Council ought to progress to grant planning permission without further delay.

Officer opinion

As stated in the main report the hybrid application established the principle of development and considered that there were no sequentially preferable sites that could house the town centre uses proposed by this application (and others on the wider site) and that the impact of the development on town centres was acceptable.

The NPPF states that when assessing applications for retail development outside of Town Centres LPA's should require an impact assessment if the development is over 2500 square metres. In this case the development comprises a drive thru restaurant of 331 square metres and therefore an impact assessment on the Town Centre is not required, and so it follows that the guidance assumes retailing below that level would have minimal impact on a town centre. Furthermore, in practical terms a drive thru restaurant because of its nature is not normally found in town centres of the nature found in this area.

Members sought to defer the application to allow an assessment of the retail impact to be undertaken to take into consideration the increase in retail floorspace from what was permitted in the hybrid application which considered a 100sqm PFS and the Aldi store.

The submitted retail impact assessment addendum finds that the scheme has an impact that amounts to -3.2% reducing to -3% trade impact in ten years in the local shops in Kirkham/Wesham. It is considered that this level of trade diversion and loss (£0.09 M) will have no material impact on the vitality and viability of the town centre as a whole, and will not form a significant adverse effect either in isolation or combined with the Aldi store on the site. Therefore the officer recommendation remains to approve the proposed development.

The report below is that which appeared on the agenda previously without alteration.

Summary of Officer Recommendation

The application site is within the Mill Farm development at Wesham that benefits from planning permission for a range of uses, including outline planning permission for a petrol station and a drive-thru restaurant. This application relates to the same part of the site as previously approved, but increases the size of the petrol station kiosk and restaurant and therefore has been submitted as a full application.

With the previous approval and mixed use designation in the emerging Fylde Local Plan – Revised Preferred Option, the principle of the development is considered acceptable, and there are no drainage or highways issues with the application. With conditions restricting the hours of use the impact on residential amenity is considered acceptable. The application site along with the larger site as a whole will have a detrimental visual impact but this has already been accepted through previous applications and the sites allocation. The application is therefore recommended for approval.

Reason for Reporting to Committee

The Town Council have objected to the application and this conflicts with the officer recommendation for approval.

Site Description and Location

The application site is part of the Mill Farm development granted planning permission through reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m² warehouse and distribution centre (class b8), 1,518m² neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m² non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction has commenced on the site but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Adopted Fylde Borough Local Plan. Within the Council's Preferred Options for Development, the land is allocated as a mixed employment/leisure use, with 4 hectares specified for employment purposes. The application site comprises 0.4 hectares of the overall larger site and is located in the site area which was shown on the indicative plan to be part of the site to be applied for in outline for the petrol station and drive thru restaurant. The land in question is currently undeveloped, the adjacent land to the north is currently being developed with an Aldi store and beyond that the football pitch.

Details of Proposal

As stated above the application site benefits from outline consent for both the petrol station and hot food drive thru. That application considered a development for a petrol filling station including a 101 square metres kiosk and a 203 square metres drive thru restaurant and car park. However this application is a full application rather than a reserved matters application because the size of the petrol station and restaurant has increased.

The application proposes to erect a 4 pump petrol station with ancillary retail sales and "drive thru" restaurant, together with associated works, including the provision of car parking spaces, petrol and surface water attenuation tanks. Both buildings will be single storey and constructed in a mix of materials. The PFS kiosk building has an external area of 364 sqm. The kiosk building incorporates office and storage facilities, as well capacity for a small, ancillary retail area (SPAR) together with a 'food-to-go' outlet (Subway) and coffee machine (Starbucks). The site also accommodates an ATM machine on the southern, principal elevation and public toilets within the kiosk. Proposed materials to the southern elevation include a combination of full height glazing with sliding doors, cementitious planks in pebble grey which sit above slip brick manaloe, the mono pitched roof comprises composite cladding in merlin grey whilst the northern, eastern and western elevations comprise composite cladding in citrine / cream. A 2-metre-high timber compound is attached to the site's western elevation.

The proposed "drive thru" (KFC) comprises an external area of 331 sqm, is largely rectangular in shape and maintains a sloping flat roof. Vehicles entering the "drive thru" will do so from the south and will follow a clockwise direction around the periphery of the building, using the service hatches

on the eastern (order hatch) and southern (pick up hatch) elevations. Pedestrian access into the building is provided on the western elevation. The internal area will comprise a large seating space within the western half of the building whilst the remaining eastern half will house the kitchen and ancillary storage / office space. The proposed design and choice of materials are a mix including timber and beige cladding and reflect a softer KFC branding format as oppose to the normal predominantly red buildings seen elsewhere. Landscaping, car parking and cycle racks are located within the site.

Relevant Planning History

Application No.	Development	Decision	Date
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0703	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 FOR AMENDMENTS FOR SITING OF THE WHOLE BUILDING 7 METRES TO THE NORTH FROM LOCATION SHOWN, REVISIONS TO CAR PARKING LAYOUT, AMENDED BOUNDARY TREATMENT, RELOCATION OF PALADIN FENCING/LANDSCAPING AND INCORPORATION OF SPRINKLER TANKS.	Granted	30/10/2015
13/655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE) FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m ² WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m ² NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m ² NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.	Granted	17/02/2015

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 08 February 2016 and comment:

“The Council object to the proposal

Reasons for opinion

EP25 - gives no detail of additional foul water drainage that the Council consider important as this application includes petrol, diesel and food waste

EP28 - light pollution and invasion to nearby residential properties due to 24 hour opening

EP27 - noise pollution nearby residential properties due to 24 hour opening

TR09 - the Council considers the number of parking spaces inadequate considering the type of application.

The Council are concerned that litter from the fast food outlet will affect the surrounding areas. Is there the need for another grocery retail outlet when there is already an Aldi store on the development plus stores in Wesham and Kirkham. Is there the need for 2 coffee outlets in the same application.”

With regard to the revised plans no comments have been received at the time of writing but they have a meeting on the 19 April where they will discuss the amended plans and their response will be supplied in the late observations.

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport

No comments received.

Lancashire County Council - Highway Authority

I refer to the above planning application and would make the following comments.

The hybrid application 13/0655 for the Mill Farm development established the principle of a petrol filling station (PFS) and a drive through restaurant (KFC), however, the transport assessment (TA) that was provided on that application considered different scales to the PFS and KFC that are now proposed and as such there will be different levels of traffic generated.

The PFS is reduced in scale from 6 pumps to 4 pumps, however, the kiosk is increased from 87m² to 341m². The KFC also increases in scale from 164m² to 302m².

Given LCC's concerns over traffic generation and its impact on the A585 it is disappointing that the developer fails to provide a technical note (TN) on traffic generation for this application. The TN could have used any agreed trip rates for the hybrid application and compared them to what would be appropriate for the new proposal. A straightforward comparison between trip rates is then further complicated as linked trips would need to be accounted for.

Having reviewed the TA for the hybrid application LCC are of the opinion that the development proposal will result in additional traffic movements above those that we considered for the PFS and KFC in the hybrid application. However, when comparisons of trip rates and linked trips are taken into consideration LCC do not consider the impact

to be severe.

The layout of the proposed development is acceptable although there is a slight concern over the level of car parking proposed. During periods of peak activity the car park at the drive through may become fully occupied which will result in parking being displaced to either the estate roads or onto the adjoining food retail car park. It would be extremely unlikely that any displaced parking would impact on the highway network or impact on access to the development. As such car parking levels are considered acceptable.

For future reference should further amendments or development proposals be sought here LCC would expect to see a technical review of highway matters as part of any application.

I can confirm that there are no highway objections to this proposal.

As this application is full and therefore cannot be linked to the hybrid application at Mill Farm I would ask that the following condition be imposed should you be minded to grant planning permission.

Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

Environmental Protection (Pollution)

With reference to your memorandum dated 8th February 2016, there are no objections to the above proposals in principle, but I would need confirmation of the following:

- 1. The applicant will need to apply for a permit under the Environmental Permitting (England and Wales) Regulations 2010 for the operation of the petrol station (Petrol Vapour Recovery Permit) if planning permission is granted.*
- 2. The premises listed in this application shall be open no later than 23:00.*
- 3. Deliveries and waste removal shall be restricted to 08.00 – 18.00 Mondays to Saturdays and 10:00 – 16.00 on Sundays or Bank Holidays.*
- 4. There is a potential for odour nuisance from the KFC - the applicant shall supply details of the odour abatement used in the extraction system in the kitchens.*

Following receipt of these comments the applicants asked whether they could open the garage for 24 hours, with the justification being the garage to the north of motorway is 24 hours and has residential properties directly adjacent to it with the EHO's officers response being;

The applicant wish to open the garage for 24 hours. My opinion is that the hours should be restricted to 6am – 23.30 for the following reasons:

There are dwellings nearby that will be affected by the activities of the site mainly from traffic movements and potential light nuisance from the premises itself and car headlights. It is accepted that the area is served by a main road but has much reduced traffic after 23.00. If services are open after this time this will encourage further disturbance adding to already changed environment.

Following receipt of the revised plans the EHO was consulted and they stated they had no further concerns. The applicants have also provided details of an odour abatement and extraction system for KFC with the EHO commenting that there is now no need to condition provided that they provide details once they have been installed and chose.

Environment Agency

Initially stated that they objected to the application but following drainage details being submitted have no objections to the development subject to a number of conditions in relation to drainage of foul and surface water.

Lancashire CC Flood Risk Management Team

Initially objected to the application but with receipt of drainage plans have withdrawn objections and requested a number of conditions in relation to drainage of foul and surface water.

United Utilities - Water

No objections to the development subject to conditions in relation to drainage of foul and surface water.

Neighbour Observations

Neighbours notified: 08 February 2016

Amended plans notified: 21 March 2016

No. Of Responses Received: One letter of objection to initial plans. No comments on the revised plans received.

Nature of comments made:

- The strategic location at the entrance to the site dictates that the design, layout, elevations, lighting and landscaping of this element of the scheme must be appropriate as it is located on the most visible part of the site with long views from Garstang Road North/Fleetwood Rd, the A585 northbound and neighbouring residential properties. Extreme care must be taken in determining the heights, facia designs, lighting type and levels together with advertising masts and signs. The fact that a design of structure has been accepted elsewhere does not mean that it is suitable for this countryside location on the edge of town.
- In view of the close proximity of residential properties, approval should carry strict conditions on operating hours, which should be conditioned to 07.30 to 22.30. The filling station pumps should also be out of use at these times. (there is a 24hr station 1.5km to the north) The ATM should not be operational and the forecourt chained off.
- HGV's servicing the site, or using its facilities should be barred from 08.30 to 18.00.
- Levels of lighting on the pumps, kiosk and restaurant including advertising boards should be reduced after 22.30.
- The amount of car parking space adjacent to these two businesses is inadequate for the number of covers in the fast food restaurant and the size of the Spar shop and Subway food outlet. This will lead to congestion around the site entrance, particularly on match and 'event' days.
- There is no provision for cycle parking and as youngsters will be attracted to the KFC and Subway in particular, undoubtedly bikes will be dumped on footways around the entrances with consequential risks.
- Pedestrian access to the two food outlets is inadequate. For public safety, particularly as children will be attracted, a direct route from the footway entering the main site to the building entrances is necessary with pedestrian cross points over the internal traffic routes and drive-thru

lanes. Without this unsafe shortcuts will be made through the planted areas.

Relevant Planning Policy

Fylde Borough Local Plan:

TR10	Car park design
EP14	Landscaping of new developments
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP27	Noise pollution
SH15	Small scale out of centre retail development

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended and the development of the site as a whole has been previously considered.

Comment and Analysis

Principle of the Development

The hybrid application that approved the sites development approved a drive thru restaurant and petrol station with kiosk and therefore the principle of the development in this position has already been established. A full application rather than a Reserved Matters application has been submitted because the outline application approved a petrol filling station including a 101 square metres kiosk and a 203 square metres drive thru restaurant and car park, with this application proposing a 364 square metres petrol station kiosk with ancillary retail area (SPAR) a food to go outlet (Subway) and Starbucks coffee machine and a drive thru restaurant (KFC) with an external area of 331 square metres. Therefore as both units have increased in size in comparison to that approved at outline a full application is necessary.

However the hybrid application established the principle and considered that there were no sequentially preferable sites that could house the town centre uses proposed by this application (and others on the wider site) and that the impact of the development on town centres was acceptable.

The National Planning Policy Framework (NPPF) is a policy consideration when determining this application. Part 2 'Ensuring the vitality of town centres' states that Local Planning Authorities (LPA's) should apply a sequential test to planning application for main town centre uses that are not in an existing centre. Petrol stations are clearly not a town centre use but a drive through restaurant is listed as one and therefore sequentially it would be preferable if such a use were located within Kirkham and Wesham Town Centre. However the fact that it is not located within the Town Centre

does not make it unacceptable, and the NPPF states that the sequential test is only necessary when main town centre uses are not in accordance with an up to date local plan. In this case the site benefits from planning permission and an allocation for retail, leisure and employment in the emerging Local plan. The NPPF states that when assessing applications for office development outside of Town Centres LPA's should require an impact assessment if the development is over 2500 square metres. In this case the development comprises a drive thru restaurant of 331 square metres and therefore an impact assessment on the Town Centre is not required, and would have minimal impact on the town centre. Furthermore practically a drive thru restaurant because of its nature is not normally found in town centres.

The National Planning Policy Framework also supports economic development, promotes mixed use development and states that significant weight should be placed on the need to support economic growth through the planning system. The proposal can be considered sustainable development as it results in a mixed use development.

Another material consideration as outlined by NPPF paragraph 216 is the emerging Fylde Local Plan to 2032 Revised Preferred Option allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham, this allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. The proposed additional uses at the site of a petrol station and restaurant therefore comply with the sites allocation in the emerging Local Plan. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. The application is therefore acceptable in principle and compliant with Local and National policies.

Visual impact and design

The site already benefits from outline planning consent for both the petrol station and the drive thru application. This application has been made in full due to the difference in sizes of the uses proposed. The development of the petrol station and the drive thru restaurant in the site area proposed and their visual impact was considered by the hybrid application. It was considered that these (and other uses on the site) are development not normally found in rural areas and that the development would significantly alter the views of the site. Officer's opinion was that the overall impression of the site will be one more typically found in an urban or urban fringe location, that landscaping would take time to mature, and that the illumination of the site was another area for concern and that the impression of the site would contrast to the rural appearance of the site at present. The report stated; "The Local Plan contains a series of policies that refer to development needing to preserve the character of the area including EP10, EP11, EP18 and TREC10. It is considered that the visual impact of the development will conflict with these policies and this aspect must be seen as a negative aspect of the development." It was therefore acknowledged that the development as a whole conflicted with the existing character of the area and was a negative aspect of the development, and that the application was a finely balanced one, but that when considering both the positives and negatives of the application it was recommended for approval.

Therefore this development has already been allowed regardless of the negative visual impact it will have including lighting, and the sites allocation in the emerging Local Plan effectively permits the sites development as an urban extension to the existing settlement. This application whilst slightly different in composition to what was allowed in the hybrid application proposes the same uses in the same location and will have similar visual impact. However whilst the petrol station is located in the same position as the hybrid application indicated the KFC has been moved further away from the

road and further north. The buildings are located in one of the most prominent positions of the overall site but compared to the football stadium, Aldi and warehouse building are small scale. The hybrid application included conditions in relation to landscaping the details of which have been submitted and found to be acceptable by the Council Landscape Officer. The landscaping proposed within this development is a continuation of the type found around the site, but is restricted with regard to the need to provide sufficient parking areas. Landscaping is located around the site in the form of a native mix hedgerow with intermittent tree planting, this landscaping will help soften the appearance of the development in time. It will not however completely screen the development.

With regard to the layout of the proposed petrol station and restaurant this is typical of these uses in an out of centre location with the buildings surrounded by grassed areas and car parking. The petrol filling station has four pumps covered by a freestanding flat roofed canopy and a kiosk building which has a pitched roof and is proposed to be finished in a mix of grey cladding, cementitious planks in pebble grey and glazing. A 2m high close board timber fence surrounds a small compound to the west of the building. The proposed KFC is a rectangular building with a flat sloping roof. This building is constructed in a mix of timber cladding, glazing, beige cladding and grey textured wall panels. The design of the proposed buildings is considered acceptable for the location.

Residential impact

The nearest residential properties are located on the opposite side of the A585 to the east, with Rose Villas located approximately 55m metres away and Pitfield approximately 75m away. The proposed layout will have a reduced impact on neighbours than the layout shown on the hybrid application as the fast foot drive thru restaurant has been moved further back into the site and away from the road.

The Council's Environmental Protection Officer has been consulted on this application and his comments in full are above. He has considered the issues of noise created by the development, including that by vehicles and the light from cars entering and existing the site. Of note that located between the application site and the nearest residential properties is the A585 which any cars in the area would use, but its use will obviously decrease later in the night. The EHO has no objections to the application subject to a number of conditions, these include for the filling station that its hours of use be restricted to between 6am and 23:30 and that deliveries and waste removal shall be restricted to 08.00 – 18.00 Mondays to Saturdays and 10:00 – 16.00 on Sundays or Bank Holidays. The KFC will be conditioned to between the hours of 6am and 23:00 and a condition will be placed on any permission relating to odour extraction and abatement.

The applicants requested that the fillings station be allowed to be open 24 hours, the EHO considered this and stated; *'There are dwellings nearby that will be affected by the activities of the site mainly from traffic movements and potential light nuisance from the premises itself and car headlights. It is accepted that the area is served by a main road but has much reduced traffic after 23.00. If services are open after this time this will encourage further disturbance adding to already changed environment'*.

It is therefore not considered appropriate to permit 24 hour opening in this location and that opening hour conditions are necessary to protect the amenity of residential dwellings in the area. The hybrid application has a condition on it that restricts the level of noise from the site as a whole which will further protect the amenity of the area. Therefore given the sites location on an allocated employment, leisure and retail site, the proximity of the A585 and with the conditions proposed by the Council's EHO there will not be an unacceptable impact on neighbouring residential amenity.

Highways

The impact that the users of the proposed petrol station and drive thru restaurant has already been assessed and found to be acceptable in the hybrid application. Whilst this application has a larger petrol station kiosk and restaurant than previously approved it is not considered that this makes the kiosk a destination in its own right and users of this facility will be those visiting the site that would be getting petrol. Furthermore the number of pumps has been reduced from 6 to 4 in this application.

LCC Highways have been consulted on the application and have no objections to the development proposed. They state that whilst the hybrid application established the principle of these developments the transport assessment that was submitted with that application considered different scales of filling stations and drive thru restaurants to that proposed here with both facilities larger. Having reviewed the TA for the hybrid application they are of the opinion that the development will result in additional traffic movements above those previously considered, but that when comparisons of trip rates and linked trips are taken into consideration LCC do not consider the impact to be severe.

They state that the layout is acceptable but that the level of parking may be insufficient and at peak periods will be at capacity which will result in displacement to the estate roads or food retail car park. However even when the car park is full they state it is extremely unlikely that any displaced parking would impact on the highway network or on the access to the development, and therefore they state the parking levels are acceptable.

They confirm they have no objections to the application and request a condition in relation to the wheel washing of construction vehicles. There are therefore no highways issues with the application. Officers consider that a condition requiring the car parking and cycle hoops to be in place and complete prior to the first operation of the buildings to be also necessary.

Flooding and drainage

Whilst the drainage of the site as a whole was considered through the previous hybrid application and there are conditions on that approval which deal with the drainage of the site the applicant has submitted the proposed drainage scheme for this area of the overall site as well as drainage strategy notes. Surface water will be dealt with and controlled on site and the foul water will be discharged via a foul water pumping station to a rising main that will discharge the effluent to the public sewer on Fleetwood Road. The drainage of this part of the site links with the wider site and has already been approved by consultees. The Environment Agency have confirmed they have no objections and do not request any conditions. LCC have no objections but request a number of conditions that the development is carried out in accordance with the drainage strategy. United Utilities have no objections and also request conditions in relation to foul and surface water. Whilst these conditions have been placed on the hybrid permission and discharged as this is a full planning application it is necessary to repeat them on this application. There are therefore no flooding or drainage issues with the application.

Conclusions

The application proposes a petrol station and a drive thru restaurant use which is acceptable in principle given the outline approval for these uses at the site and the site's allocation in the emerging Local Plan. There are no highways and flooding issues and with conditions in place there will be no unacceptable impact on residential amenity. The visual impact of developing the site as a whole has

already been considered, with the development being allowed despite the negative visual impact. The application is therefore considered acceptable.

Recommendation

Planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Proposed site plan (drawing no. 1454-P-102-C)
- Proposed KFC drive thru plans and elevations (drawing no. 1454-P-104.A)
- Proposed petrol station plans and elevations (drawing no. 1454-P0103.A)
- Existing site plan (drawing no. 1454-P-101)
- Site location plan (drawing no. 1454-P-105)
- Planting plan (drawing no. 3403 01)

Except where modified by the conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

3. Prior to the commencement of development full details of the type and location of facilities to be used to clean the wheels of vehicles before leaving the site shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be used throughout the construction period of the development hereby approved.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

4. The car parking and cycle spaces to serve the development hereby approved shall be surfaced, demarcated and made available for use prior to the operation of the petrol station and drive thru restaurant, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

Reason: To ensure that there is adequate parking for the development proposed when the buildings are occupied.

5. The drive thru restaurants hereby approved shall only be open to public between the hours of 06:00 and 23:30 on any day.

Reason: To safeguard residential amenity.

6. The Petrol filling station pumps and kiosk hereby approved shall only be open to public between the hours of 06:00 and 23:30 on any day.

Reason: To safeguard residential amenity.

7. The whole of the landscape works, as approved and shown on plan 3403 01 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current sylvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

10. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset

condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision B. 15th April 2014 / PSA Design Ltd and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated to existing greenfield rates by the so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage
3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure the structural integrity of existing <and proposed> flood defences thereby reducing the risk of flooding.
4. To ensure safe access and egress from and to the site.
5. To reduce the risk of flooding from blockages to the existing culvert (s).
6. To reduce the risk of flooding to the proposed development and future occupants.

12. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

1. To ensure that the drainage for the proposed development can be adequately maintained.

2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

13. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason

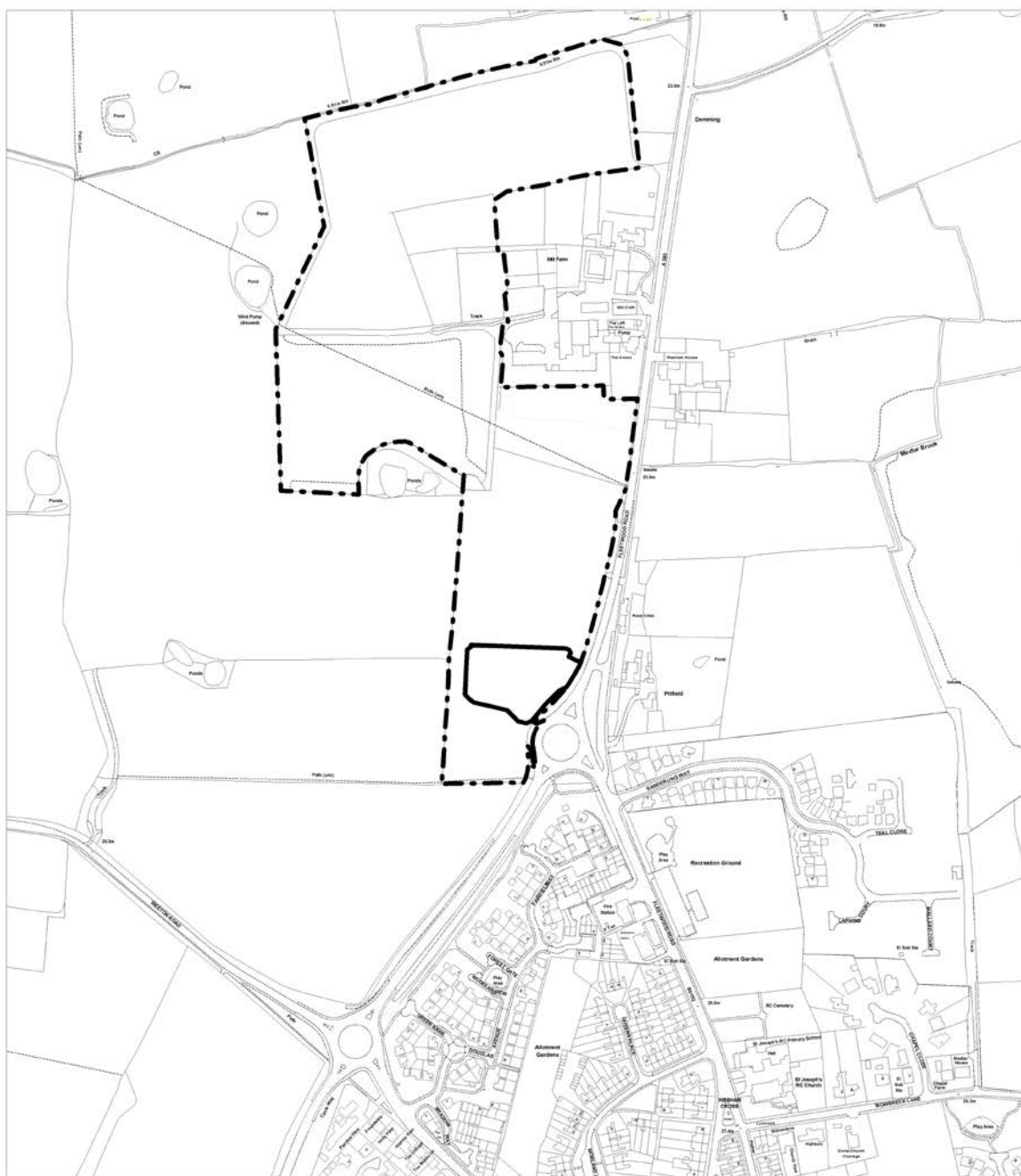
1. To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate.
2. To prevent a flood risk during the construction of the development

14. Prior to the commencement of development full details of the odour extraction and abatement system and materials shall be submitted to the Local Planning Authority and approved in writing.

Reason: In order to protect residential amenity.

15. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0065	Address Mill Farm, Fleetwood Road, Wesham	Grid Ref. E.3414 : N.4336	Scale 0 25 50 75 100 m

Item Number: 2

Committee Date: 29 June 2016

Application Reference:	16/0074	Type of Application:	Change of Use
Applicant:	Lytham Wine Company	Agent :	Firth Associates Ltd
Location:	2 + 3 MARKET HALL, MARKET SQUARE, LYTHAM ST ANNES, FY8 5LW		
Proposal:	CHANGE OF USE OF EXISTING RETAIL UNIT TO MIXED USE AS BAR (CLASS A4) / RETAIL UNIT (CLASS A1). REPLACEMENT OF WINDOWS TO FRONT WITH DOORS AND REPLACEMENT WINDOW TO SIDE		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	17	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7373512,-2.9640608,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to No.2 and 3 Market Hall in Lytham, which are a single unit within this Grade II listed building that stands in Market Square and forms the backdrop for the war memorial and associated gardens. It is located within the Town Centre Conservation Area and the defined Town Centre

The application relates to the change of use of the building from its previous retail use (formerly a butchers shop) to a mixed use as a retail / drinking establishment, and also includes a series of internal and external alterations to facilitate that changed use. Works commenced on the conversion of the building around the time of the submission of the application and have been completed with the business operating since April 2016. Hence this application is now being determined retrospectively.

The proposed use of the premises as a mixed use Class A1/A4 within a secondary shopping area of the town centre is an acceptable use that complies with the range of uses suggested for those areas in Policy SH8 of the Fylde Borough Local Plan.

The introduction of the drinking establishment element creates a potential for an impact to the amenity of the neighbouring residential properties on Hastings Place, in particular when the forecourt area is used by patrons. However, the site is physically separated from these properties by Hastings Place and is an area where some evening activity already exists by virtue of its town centre location and proximity to the County Hotel, Zest and the taxi rank on Hastings Place. The use of the forecourt area would also be restricted by the weather as an initial proposal for a canopy has been removed from the scheme, although a condition to require this area to not be used after 9pm is appropriate. This will minimise the potential

for disturbance and is consistent with the approach taken on other planning applications for new restaurants in the town in recent years.

The proposal will have some impact on the character of the conservation area and on the listed building, but this is generally beneficial as it has allowed the building to be upgraded with the investment in establishing the use through installation of new timber doors and windows, subtle lighting to enhance the building, sensitively designed internal works, and establishing a use with the building to encourage its future maintenance.

The setting of the nearby listed War Memorial will not be detrimentally affected. Although the use of the forecourt would bring patrons closer to the Memorial they would still be outside the surrounding gardens which are considered to be the memorials immediate setting.

At the time of writing this report the refuse storage arrangements have been agreed in principle, but the detailed design has not been finalised. Active discussions are on-going to secure a suitable solution with a condition suggested to enable that to be agreed, implemented and maintained.

Taking the above into account it is considered that the proposal is acceptable and complies with Policies SH8, EP3 and EP4 of the adopted Fylde Borough Local Plan and paragraphs 131 and 134 of the NPPF and recommended for approval.

Reason for Reporting at Committee

The Head of the Planning and Regeneration considers that the prominence of the building and the nature of the works proposed are of wider than local public interest, and so considers it appropriate that the application be determined by the Development Management Committee.

Site Description and Location

The application property is No.2 and 3 Market Hall which forms part of the Market Hall building located in Market Square in Lytham Town Centre. The building is Grade II listed and comprises of several commercial premises including a bank and a clothes shop. It is situated in the Lytham Conservation area and part of the designated town centre. The building was constructed during the Victorian Period and has stone and brick elevations. To the north of the building on Hastings Place there are residential properties which are Grade II listed.

Details of Proposal

The application is for two areas of work. Firstly a change of use of the property from its existing Class A1 retail use to a mixed use of Class A1 and Class A4 (retail and drinking establishment) as to enable it to operate as 'Barrique' which trades as a wine shop and delicatessen during the day with more of a bar style operation in the evening. Secondly a series of external and internal alterations are included to facilitate the use including the replacement of windows to the main openings with doors by the removal of some brick which sits at the bottom of the arches of the building, and the refurbishment of the building. The application proposed a canopy feature originally but that has been omitted from the scheme following concerns raised by officers over its appropriateness. A series of internal works are also involved and are assessed under the associated listed building consent application.

The works to facilitate the change of use commenced around the time of the submission of the application and were concluded in April with the premises trading as the new use since that time. As such this application is now being determined retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
16/0137	ADVERTISEMENT CONSENT FOR 1 X EXTERNALLY ILLUMINATED FASCIA SIGN AND NON ILLUMINATED SIGN ON PROPOSED ENTRANCE CANOPY	Granted	20/04/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Food Safety)

No objections provided there is provision of toilets and refuse storage

Regeneration Team (Trees)

No objections

Lancashire Police

Raise no objections but promote the use of standard security precautions such as CCTV and locks to windows to be installed

Neighbour Observations

Neighbours notified: 02 March 2016

Site Notice Date: 09 March 2016

Press Notice Date: 17 March 2016

No. Of Responses Received: 2

Nature of comments made:

One letter highlights the character of Market Square as a residential and retail one and suggests that a bar is not appropriate for that area, and also that it is inappropriate in such proximity to the war memorial

The second correspondence also raises objection to the application and raises the following points:

- The application should really relates to a bar as the pretence of the mixed use is a sham that is being proposed to allow the owner to avoid the *“proper and more stringent regulatory procedures that are necessary for a fully licenced premises”*.
- The works commenced and the use began well before the council could determine the

- application and *“shows a cavalier disregard for the interests of the local community”*
- That the premises has door staff in the evening and that indicates that it is a bar rather than a shop
- The canopy element is inappropriate and will be an intrusive addition to the building
- Further correspondence has been received which refers to the inappropriate siting of refuse bins to the side of the premises

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings
SH08	Secondary shopping frontage (Lytham)

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Listed Building
Conservation area site

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The principle of the development

The application site is within the Lytham settlement boundary as defined by the adopted Fylde Borough Local Plan. Therefore Policy SP1 applies which supports the principle of development subject to other relevant policies in the plan. The building is located in the Town Centre and within a secondary shopping area and therefore Policy SH8 also applies.

Policy SH8 generally supports the use of buildings to a use of Class A1, A2 or A3 (pre-subdivision to A3/A4/A5) in secondary shopping areas. The proposal for a mixed use Class A1 and Class A4 use would therefore comply with the requirements of this Policy as the proposed uses are all within the scope of that Policy. The scheme allows the retail element of the existing use to be retained, albeit as part of a mixed use, and so ensures that there is no adverse impact to the town centre viability.

Scope of Use

The application is specifically described as a mixed use, and from officer visits at daytime and evening it clearly operates as such. The daytime use is primarily aimed at the retailing of wine with areas of the interior set out with wine bottles displayed for purchase. There is also a delicatessen counter and facility for customers to buy snacks and bricks for consumption on the premises at a series of internal and external tables and chairs. However this operates at counter service and so is a A1 retail use rather than an A3 café use which would utilise serving staff. In the evening the

drinking establishment use predominates with the counter service maintained as with any other drinking establishment. The scope of these uses has been discussed with the applicant and it is considered to accurately reflect the current operation and their future intentions for the business.

As discussed earlier, the establishment of this use is acceptable in this location and a condition is appropriate to ensure that it remains in this use to allow further consideration in the event that a change to the business operation is proposed.

Impact to residential amenity

Neighbours have commented on the potential for disturbance to be caused by the operation of a bar in this location, and it is true that there are residential properties in close proximity to the site. However, it is also the case that the site is in the town centre as defined in the Fylde Borough Local Plan and so the expectations are that there will be some levels of disturbance over those which would be expected in an entirely residential area. Furthermore, the presence of other premises (Zest, County Hotel) will bring existing disturbance, as will the taxi rank on Hastings Place. As these are long-standing it is not considered that the potential for any increase in disturbance from a premises of this nature and scale will be such that it will be unacceptable.

The outside seating area provides a potential for customers to cause some disturbance and it has been usual practise for planning conditions to be imposed to restrict the use of such areas in the evenings. Such an approach would be appropriate here, and a condition to prevent the consumption of food and drink beyond 9pm is proposed. A condition to prevent the opening of windows and doors to that time is also suggested, as is the closure of the premises at 11pm as is suggested in the application.

A neighbour suggests that the mixed use nature of the operation is an attempt to avoid the need to comply with the Premises Licence legislation. That is not the case and the premises benefits from a licence which controls its use, although there are no controls over the extent of the use of the outside area and so it is appropriate to include a planning condition for this as suggested in the preceding paragraph.

Design and impact to the Listed Building

Policy EP4 of the adopted Fylde Borough Local Plan seek to ensure proposals do not harm the architectural or historic importance of listed buildings. The Market Hall, as a whole, is important historically, due to its original use as a market hall and its prominence and positioning within the Town Centre. Architecturally the building does consist of some ornate features externally including the stone cornice and clock tower. The proposal does have an impact on the architectural and historic interest of the building but this is largely positive as the unsympathetic windows and brick that were in the archways of the premises are removed. The internal works are assessed in the associated listed building consent application, but with regard to the works requiring planning permission these comply with Policy EP4 of the Fylde Borough Local Plan and paragraphs 131 and 134 of the NPPF.

Impact to the character of the conservation area

The application property is located within the Lytham Conservation area and Policy EP3 of the adopted Fylde Borough Local Plan seeks to ensure that proposed developments do not adversely affect the character and appearance of the area.

The proposed change of use and alteration to the building does not have a detrimental impact on the character of the Conservation Area. This section of the Lytham Conservation Area is characterised by various types of properties ranging from retail and commercial to residential. The proposal does not appear out of keeping with this characteristic and will add to the vibrancy and vitality of the Town Centre. The external alterations to the building are minor and will take attention away from the overall building which forms an integral part of the street scape of the conservation area.

Impact to the setting of the War Memorial

The application site is adjacent the Grade II listed War Memorial and its associated gardens. The memorial itself is approximately 18m away from the front elevation of the building and the gardens abut to the forecourt area which is approximately 12m away from the memorial. It is considered that the proposal and in particular the use of the forecourt, affects the setting of the War Memorial. This impact however is considered acceptable as the use of the forecourt would not be permanent i.e. all hours of the day and would also be weather dependant, meaning that it would be used less outside the summer months. In addition to this, War Memorials can be found in various types of settings from isolated tranquil areas of reflection to being located in urban area including town/city centres. Lytham's War Memorial is located within the Town Centre and is surrounded by various types of properties from residential, commercial and retail. It is also adjacent the main road which runs through the Town Centre. It is therefore considered that the setting of Lytham War Memorial is one of a memorial that is not in isolation but one of a memorial surrounded by buildings and noise and activity associated with a town centre and that its immediate setting is one of it being surrounded by the associated gardens.

Other matters

The Council's Environmental Health Officer raised no objection to the proposal provided adequate toilet facilities and refuse storage were provided. The plans show toilet facilities and storage areas which are considered sufficient for the nature and size of the premises.

Since the premises began trading the refuse arrangements have involved the siting of a Eurobin on land between the side of the building and the pavement. This is an area that causes some concern as the siting of an industrial feature detracts from the setting of the listed building and the conservation area. Some improvements have been made by the siting of planters around it to screen some views, but this remains unresolved at the time of writing this report with the applicant's agent working on alternative solutions. It is expected that a satisfactory solution will be found and so a condition is proposed to secure the details and implementation of this.

Conclusions

The application relates to No.2 and 3 Market Hall in Lytham, which are a single unit within this Grade II listed building that stands in Market Square and forms the backdrop for the war memorial and associated gardens. It is located within the Town Centre Conservation Area and the defined Town Centre

The application relates to the change of use of the building from its previous retail use (formerly a butchers shop) to a mixed use as a retail / drinking establishment, and also include a series of internal and external alterations to facilitate that changed use. Works commenced on the conversion of the building around the time of the submission of the application and have been completed and then business operating since April 2016. Hence this application is now being

determined retrospectively.

The use of the premises as a mixed use Class A1/A4 within a secondary shopping area of the town centre is an acceptable use that complies with the range of uses suggested for those areas in Policy SH8 of the Fylde Borough Local Plan.

The introduction of the drinking establishment element creates a potential for an impact to the amenity of the neighbouring residential properties on Hasting Place, in particular when the forecourt area is used by patrons. However, the site is physically separated from these properties by Hastings Place and is an area where some evening activity already exists by virtue of its town centre location and proximity to the County Hotel, Zest and the taxi rank on Hastings Place. The use of the forecourt area would also be restricted by the weather as an initial proposal for a canopy has been removed from the scheme, although a condition to require this area to not be used after 9pm is appropriate. This will minimise the potential for disturbance and is consistent with the approach taken on other planning applications for new restaurants in the town in recent years.

The proposal will have some impact on the character of the conservation area and on the listed building, but this is generally beneficial as it has allowed the building to be upgraded with the investment in establishing the use through installation of new timber doors and windows, subtle lighting to enhance the building, sensitively designed internal works, and establishing a use with the building to encourage its future maintenance.

The setting of the nearby listed War Memorial will not be detrimentally affected. Although the use of the forecourt would bring patrons closer to the Memorial they would still be outside the surrounding gardens which are classed as the memorials immediate setting.

At the time of writing this report the refuse storage arrangements are not finalised, but active discussions are on-going to secure a suitable solution with a condition suggested to enable that to be agreed, implemented and maintained.

Taking the above into account it is considered that the proposal is acceptable and complies with Policies SH8, EP3 and EP4 of the adopted Fylde Borough Local Plan and paragraphs 131 and 134 of the NPPF and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 3 February 2016, including the following plans:

LWC/001 - Location plan
LWC/010 - Site plan
LWC/110 - Proposed Layout
LWC/310 Rev A - Proposed elevation
LWC/311 Rev A - Proposed elevation
MH/01 - Internal elevation A
MH/02 - Internal elevation B
MH/03 - Internal elevation C
MH/04 - Internal elevation D
MH/05 - Internal elevation E

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for mixed Class A1 (retail) and Class A4 (drinking establishment) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and for no other purpose including solely as either of the two approved uses.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.

3. That the external fore court area to the front of the premises shall only be used for the consumption of food and drink between the hours of 9am and 9pm on any day, with the internal area only open for customers between the hours of 8am and 11pm on any day..

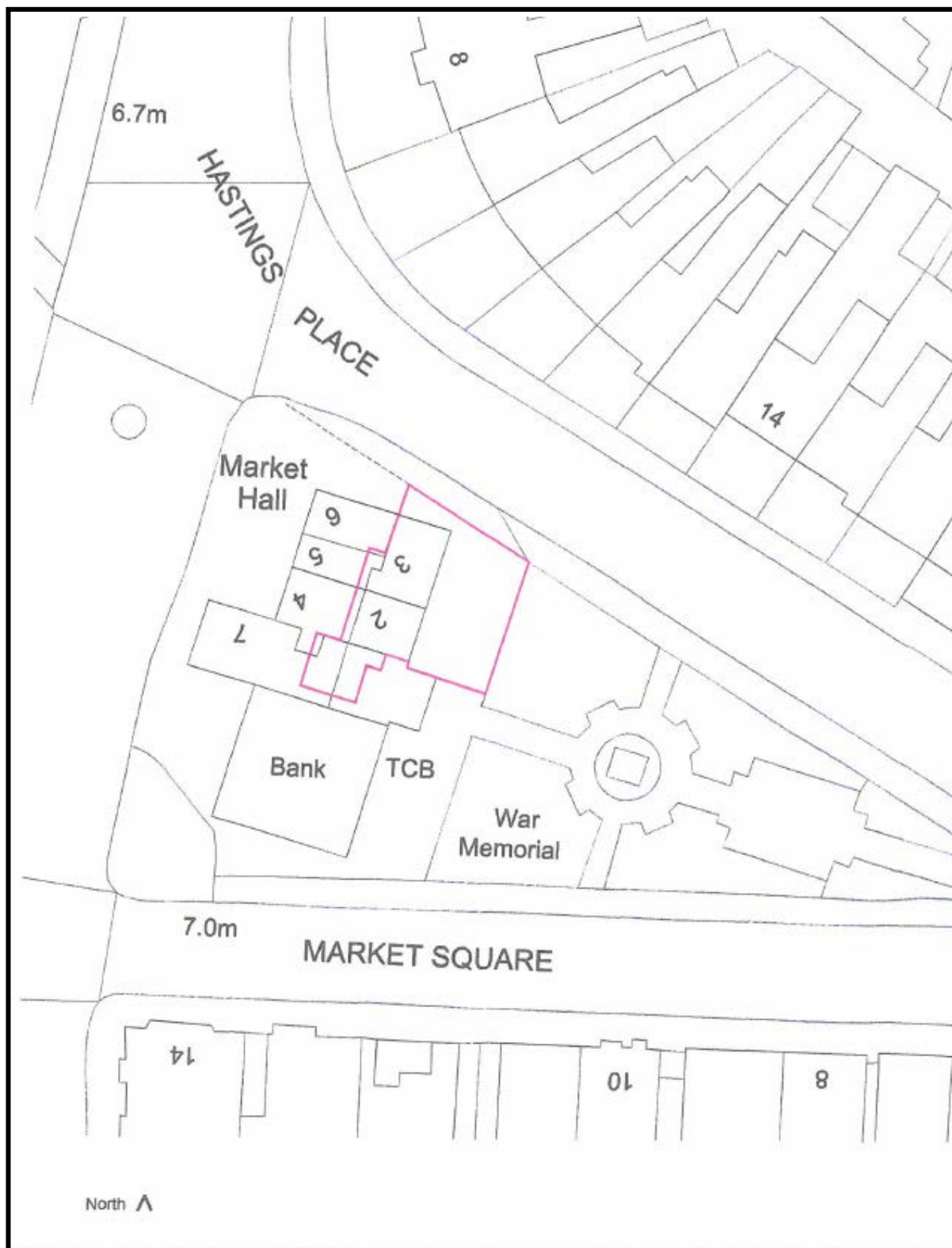
In the interests of preserving the amenity of occupiers of neighbouring and nearby residential properties as required by Policy EP27 of the Fylde Borough Local Plan.

4. That the ground floor doors and any opening windows shall remain closed between the hours of 21.00 hours and 07.00 hours on every day of the week, except when in use to enter/exit the building.

Reason: To limit the opportunities for noise to escape from the building and so to safeguard the amenities of neighbouring residential properties.

5. That within one month of the date of this permission a scheme for the management of the refuse associated with the operation of the premises hereby approved shall be submitted to the local planning authority for its approval. The scheme shall include details of the siting, size, design and materials of any storage area that is proposed. The approved scheme shall be implemented within one month of its approval and then shall be maintained and operated in full accordance with the approved scheme at all times thereafter.

To provide an appropriate method for handling the refuse generated by the business whilst preserving the visual amenity of the area, the amenity of neighbouring dwellings, and the character of the listed building and conservation area.



Item Number: 3

Committee Date: 29 June 2016

Application Reference:	16/0073	Type of Application:	Listed Building Consent
Applicant:	Lytham Wine Company	Agent :	Firth Associates Ltd
Location:	2 + 3 MARKET HALL, MARKET SQUARE, LYTHAM ST ANNES, FY8 5LW		
Proposal:	LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS TO BUILDING AS PART OF CHANGE OF USE INCLUDING REPLACEMENT WINDOWS / DOORS AND VARIOUS INTERNAL ALTERATIONS		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	17	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7373512,-2.9640608,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to various internal and external works at the site which is Grade II listed and is situated within the Town Centre conservation area.

The works require consent as they have an impact on the historic and architectural quality of the building. However, this impact is considered to be beneficial. There will be some limited impact to the setting of the nearby listed War Memorial, but this is not harmful either. As such the works comply with Policy EP3 and Policy EP4 of the Fylde Borough Local Plan and the guidance in para 131, 132 and 134 of the NPPF. Accordingly it is recommended that Listed Building Consent be granted.

Reason for Reporting at Committee

The Head of the Planning and Regeneration considers that the prominence of the building and the nature of the works proposed are of wider than local public interest, and so considers it appropriate that the application be determined by the Development Management Committee.

Site Description and Location

The application property is No.2 and 3 Market Hall which forms part of the Market Hall building located in Market Square in Lytham Town Centre. The building is Grade II listed and comprises of several commercial premises including a bank and a clothes shop. It is situated in the Lytham Conservation area. The building was constructed during the Victorian Period and has stone and brick elevations. To the north of the building on Hastings Place there are residential properties which are

Grade II listed as is the War Memorial in the Square.

Details of Proposal

This application is submitted alongside 16/0074 which relates to the change of use of units 2 and 3 to a mixed use of Class A1 and Class A4 (retail and bar) and external and internal alterations including the replacement of windows and addition of doors. This application relates to the listed building consent for the external and internal works associated with this change of use.

The external alteration include the removal of some brick which sits at the bottom of the arches of the building and the insertion of new windows and doors which are to be hardwood with a varnished finish. A series of lighting fixtures have also been added to the building.

The internal alterations are the refurbishment of the ceiling and walls (plaster) and the floor (wood and tile).

Relevant Planning History

Application No.	Development	Decision	Date
16/0137	ADVERTISEMENT CONSENT FOR 1 X EXTERNALLY ILLUMINATED FASCIA SIGN AND NON ILLUMINATED SIGN ON PROPOSED ENTRANCE CANOPY	Granted	20/04/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified:	02 March 2016
Site Notice Date:	09 March 2016
Press Notice Date:	17 March 2016
No. Of Responses Received:	1

Comments:

The letter raises objection to the works, largely based around the inclusion of a canopy to the building that has now been omitted from the application. Reference is also made to the fact that works have commenced without the necessary Listed Building Consent being in places and so showing a disregard for the correct procedure.

Relevant Planning Policy

Fylde Borough Local Plan:

EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Conservation area site
Listed Building

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The proposed development will have an impact on the architectural and historic interest that the buildings possess. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 states that there should be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy EP4 of the adopted Fylde Borough Local Plan seeks to ensure proposals to listed building do not adversely affect its architectural or historic character.

Design and impact to the Listed Building

Policy EP4 of the adopted Fylde Borough Local Plan seek to ensure proposals do not harm the architectural or historic importance of listed buildings. The Market Hall, as a whole, is important historically, due to its original use as a market hall and its prominence and positioning within the Town Centre. Architecturally the building does consist of some ornate features externally including the stone cornice and clock tower. However the internal part of the building has been altered considerably and little remains of the original character. The proposal does have an impact on the architectural and historic interest of the building with regard to the exterior of the building, however the alterations, for the most part, are considered positive. The proposed works have removed the unsympathetic windows and brick that were in the archways of the premises which did not respect the original layout of the building. The Market Hall was originally built so that the archway were open and lead into the Hall. When the archways were closed up this detrimentally impacted on the historic and architectural importance of the building. The proposed works by removing the brickwork reinstates an original feature which is viewed as a positive alteration. Although new windows have been installed they do open and as such maintain, to some degree, the opening of the archways. Overall it is considered that the proposed development complies with Policy EP4 of the adopted Fylde Borough Local Plan and paragraphs 131 and 134 of the NPPF.

Impact to the setting of the War Memorial

The application site is adjacent the Grade II listed War Memorial and its associated gardens. The memorial itself is approximately 18m away from the front elevation of the building and the gardens

abut to the forecourt area which is approximately 12m away from the memorial. It is considered that the proposal and in particular the use of the forecourt, affects the setting of the War Memorial. This impact however is considered acceptable as the use of the forecourt would not be permanent i.e. all hours of the day and would also be weather dependant, meaning that it would be used less outside the summer months. In addition to this, War Memorials can be found in various types of settings from isolated tranquil areas of reflection to being located in urban area including town/city centres. Lytham's War Memorial is located within the Town Centre and is surrounded by various types of properties from residential, commercial and retail. It is also adjacent the main road which runs through the Town Centre. It is therefore considered that the setting of Lytham War Memorial is one of a memorial that is not in isolation but one of a memorial surrounded by buildings and noise and activity associated with a town centre and that its immediate setting is one of it being surrounded by the associated gardens.

Impact to the character of the conservation area

The application property is located within the Lytham Conservation area and Policy EP3 of the adopted Fylde Borough Local Plan seeks to ensure that proposed developments do not adversely affect the character and appearance of the area.

The proposed change of use and alteration to the building does not have a detrimental impact on the character of the Conservation Area. This section of the Lytham Conservation Area is characterised by various types of properties ranging from retail and commercial to residential. The proposal does not appear out of keeping with this characteristic and will add to the vibrancy and vitality of the Town Centre. The external alterations to the building are minor and will take attention away from the overall building which forms an integral part of the street scape of the conservation area.

Conclusions

This application relates to various internal and external works at the site which is Grade II listed and is situated within the Town Centre conservation area.

The works require consent as they have an impact on the historic and architectural quality of the building. However, this impact is considered to be beneficial. There will be some limited impact to the setting of the nearby listed War Memorial, but this is not harmful either. As such the works comply with Policy EP3 and Policy EP4 of the Fylde Borough Local Plan and the guidance in para 131, 132 and 134 of the NPPF. Accordingly it is recommended that Listed Building Consent be granted.

Recommendation

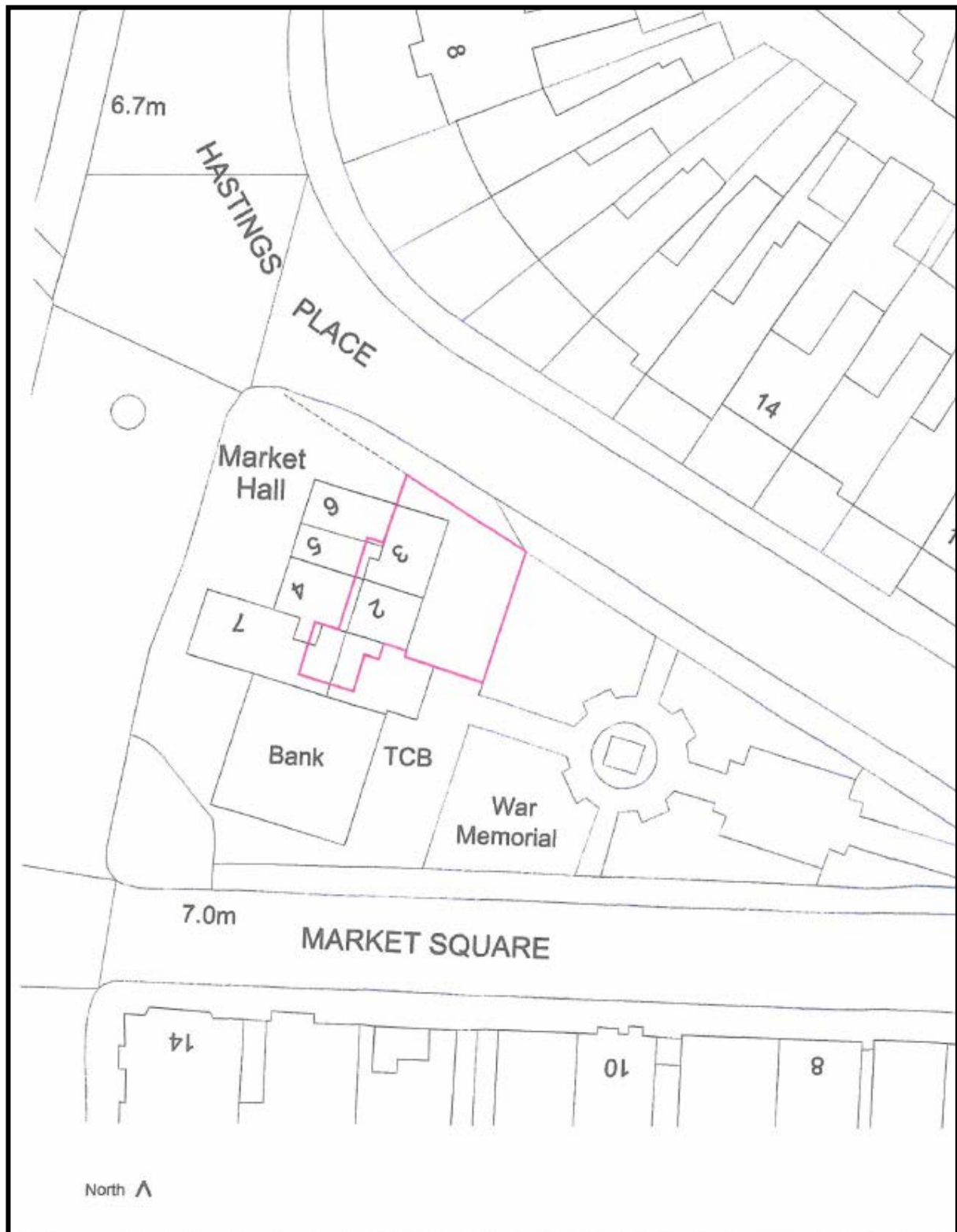
That Listed Building Consent be GRANTED subject to the following conditions:

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 3 February 2016, including the following plans:

LWC/001 - Location plan
LWC/010 - Site plan
LWC/110 - Proposed Layout
LWC/310 Rev A - Proposed elevation
LWC/311 Rev A - Proposed elevation
MH/01 - Internal elevation A
MH/02 - Internal elevation B

MH/03 - Internal elevation C
MH/04 - Internal elevation D
MH/05 - Internal elevation E

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.



Item Number: 4

Committee Date: 29 June 2016

Application Reference:	16/0121	Type of Application:	Householder Planning Application
Applicant:	Mr & Mrs Sheridan	Agent :	RS Design Consultancy
Location:	KIRKWOOD, CHURCH ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SH		
Proposal:	SINGLE STOREY REAR EXTENSION TO EXISTING DETACHED ANNEXE		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	18	Case Officer:	Phil Mather
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.8044157,-2.844601,686m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached dwelling located in a Countryside area between Treales and Wharles that has a detached two storey outbuilding to the side to which the application relates to that is used as a 'granny annex' associated with the occupation of the main dwelling.

The proposal involves a single storey extension to the rear of this building to extend the annex accommodation it offers. This is a minor addition to an existing building within the countryside that does not adversely affect the rural character of the area. The extension is acceptable in terms of design, scale and appearance and would not have a detrimental impact on neighbour amenity. The development is acceptable in terms of impact on the garden area associated with the property and would not result in an increased demand for parking space or the loss of further parking space. The development therefore accords with Policies SP2 and HL5 of the Fylde Borough Local Plan and is recommended for approval.

Reason for Reporting to Committee

The Parish Council's objection is at odds with the Officer's recommendation of approval and so the Scheme of Delegation requires that the application be presented to Committee for a decision.

Site Description and Location

The application site is Kirkwood, Church Road, Treales. This application refers to the two storey detached garage/annexe building in particular, which is to the southwest of the main dwelling house and within the garden curtilage of this property. The site is part of a former vicarage which

belonged to the adjacent church to the south. To the north is 'The Coach House', a conversion property with open fields to the rear. The site is designated as countryside in the Fylde Borough Local Plan.

Details of Proposal

The proposal is for a single storey extension to the rear of the annexe to provide a ground floor lounge area. The applicant has explained that the annexe houses their elderly parents who both suffer from medical conditions which restrict their mobility and are both classed as being at a high risk of falls (confirmed by GP letter). The proposed extension is intended to provide some additional ground floor accommodation so as to reduce the risk of falls on the stairs.

The proposed extension would project 3m from the rear wall of the existing building, and would span the full width of the rear elevation, although the side elevations would each be set back 0.2m from those of the main building. The extension would have a monopitch roof, 2.5m high at the eaves, and 3.5m high at the ridge. The materials would be brickwork and stone cills to match the existing building, whilst the roof would be slate to match, with 3 velux roof lights. There would be two windows and French doors to the rear elevation and a further window to each of the side elevations of the extension.

Relevant Planning History

Application No.	Development	Decision	Date
16/0198	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0743 FOR PART OF GARAGE FORMED INTO LIVING ROOM AND WINDOW TO SIDE ELVATION SERVING LIVING ROOM	Granted	18/04/2016
13/0743	APPLICATION FOR VARIATION OF CONDITION 1 RELATING TO APPROVED PLANS AND OF CONDITION 3 RELATING TO USE OF OUTBUILDING ASSOCIATED WITH PLANNING PERMISSION 04/0807 TO ALLOW OUTBUILDING TO PROVIDE A RESIDENTIAL ANNEXE	Granted	28/02/2014
09/0015	CONVERSION OF EXISTING GARAGE/RESIDENTIAL OUTBUILDING TO CREATE NEW DWELLING (THE LODGE) INCLUDING LANDSCAPING & EXTERNAL WORKS ADJ. TO KIRKWOOD.	Refused	25/03/2009
04/0807	AMENDMENTS TO PLANNING APPLICATION 5/02/0018 FOR GARAGE TO PROVIDE STUDIO SPACE INCLUDING BAY WINDOW	Granted	01/10/2004
02/0954	ROOF LIFT AND REAR CONSERVATORY	Granted	03/01/2003
02/0018	PROPOSED ACCESS ROAD & GARAGE & ALTS TO EXISTING DWELLING. EXTNS TO COACHHOUSE TO FORM SEPARATE DWELLING	Granted	30/01/2002
00/0304	CONVERSION OF EXISTING VICARAGE TO FORM THREE DWELLINGS AND GARAGES, CONSTRUCTION OF CAR PARKING FACILITIES TO CHURCH AND SCHOOL.	Granted	12/07/2000
99/0516	CONVERSION AND EXTENSION OF EXISTING VICARAGE TO FORM FOUR DWELLINGS	Refused	01/12/1999

Relevant Planning Appeals History

Application No.	Development	Decision	Date
09/0015	CONVERSION OF EXISTING GARAGE/RESIDENTIAL OUTBUILDING TO CREATE NEW DWELLING (THE LODGE) INCLUDING LANDSCAPING & EXTERNAL WORKS ADJ. TO KIRKWOOD.	Dismiss	23/02/2010

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 24 February 2016 and comment:

“The council resolved to object to the application until such time as adequate parking arrangements are reinstated, particularly in relation to hard standing in front of the garage and access to the garage. The current arrangement is in conflict with Policy HL5 as it prejudices the amenity of neighbouring users of the church and school car park causing observable harm. The proposed increased size of the property makes available extra space for additional occupants who will require additional parking further compounding the issue.”

Statutory Consultees and Observations of Other Interested Parties

Parochial Church Council of Christ Church, Treales:

“We do not have any objection directly to the design of the proposed extension, however we do have concerns on the expansion of this property and the possible consequence on the need for parking space. The extension may be a step too far in this context. The building was initially planned as a double garage and studio room, supplementary to the Kirkwood house. There was parking space adjacent to Kirkwood and in front of the annexe, as well as a double garage in the annexe. Since then there has been landscaping in front of the annexe which has removed the parking space and totally blocked car access to the garages on the annexe frontage.

The school and church have a car park for 25 cars next to Kirkwood, and have allowed this and a neighbouring property to make use of the church parking as ‘occasional overflow’ and are happy for this to continue as and when requested. The issue here is whether the expansion of the garage and studio, together with the apparent loss of existing parking and garaging, is at risk of putting a further, more permanent demand on the church and school parking which is already under pressure when any large events such as funerals or weddings are taking place.”

Neighbour Observations

Neighbours notified: 24 February 2016
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in Countryside Areas
HL05	House Extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues in relation to this application are those set out in Policy HL5 of the Local Plan, and whether the development would prejudice the character of the countryside and thus conflict with Policy SP2.

Design, Scale and Appearance

The proposed extension would be located to the rear of the existing annexe and both the scale and design are such that it would be subordinate to the annexe, which in turn would remain subordinate to the main dwelling and continue to retain the appearance of a garage from views of the principle elevation. The design is sympathetic to the existing building, with materials to match, and does not conflict with the Joint House Extensions SPD.

Public views to the rear of the annexe are limited, despite the presence of a nearby footpath and playing fields, by screening along the property boundary, and as such it is considered that the extension would not harm the character of the countryside or surrounding area and the proposed extension is considered acceptable in terms of design, scale and appearance.

Neighbour Amenities

The annexe is well removed from neighbouring properties, with the closest neighbours (other than the main house) being the Coach House to the north east, approximately 24m away, and Christ Church which is approximately 17m south west of the annexe. As a minor, single storey extension to an existing building, the development would not introduce any issues in terms of loss of privacy or light and would not be a dominant or overbearing development. The proposal is therefore considered acceptable in terms of neighbour amenities.

Garden Area

The property enjoys the benefit of a substantial garden, and the loss of garden space to the development would be negligible.

Parking

The proposal does not in itself reduce the availability of private off-street parking provision. However, two objections have been received (from the Parish Council and the Parochial Church Council) on the grounds that the development, along with other associated works in the grounds of Kirkwood, have resulted in and may exacerbate a loss of private parking space at the property with

the result being the use of the school and church car park, which itself is under pressure at times of high usage, ultimately leading to damage to the grass verges as parking bays are unavailable.

As mentioned above, the proposed extension does not in itself compromise the parking provision available at Kirkwood, the concerns raised relate to the potential for increased occupancy of the annexe and landscaping of the area in front of the annexe. The landscaping in front of the annexe (which was originally designed as a double garage) to create an additional garden area, has meant the loss not only of the parking within the garage itself (which is in any event no longer large enough to park a car), but also the loss of spaces immediately in front of the garage. Notwithstanding this loss, there remains a substantial amount of parking space to the front of the property, albeit some of this space is currently occupied by building materials. Not including the space currently occupied by these materials, the applicant considers there to be sufficient provision for 9 cars, and has advised that the household (including the annexe) currently has 5 cars. It should also be noted that the conversion of the double garage to an annexe already benefits from planning permission, and that soft landscaping of the area in front of the annexe is not development and does not require permission. Furthermore the extension to the rear of the annexe would not result in the loss of any parking provision, nor, as a lounge area, would it result in any increased occupation of the property likely to attract additional vehicle usage. As such it is considered that a refusal on these grounds would not be sustainable.

Conclusions

The proposed extension would be a minor addition to an existing building within the countryside and would not adversely affect the rural character of the area. The extension is acceptable in terms of design, scale and appearance and would not have a detrimental impact on neighbour amenity. The development is acceptable in terms of impact on the garden area associated with the property and would not result in an increased demand for parking space or the loss of further parking space. The development therefore accords with Policies SP2 and HL5 of the Fylde Borough Local Plan and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

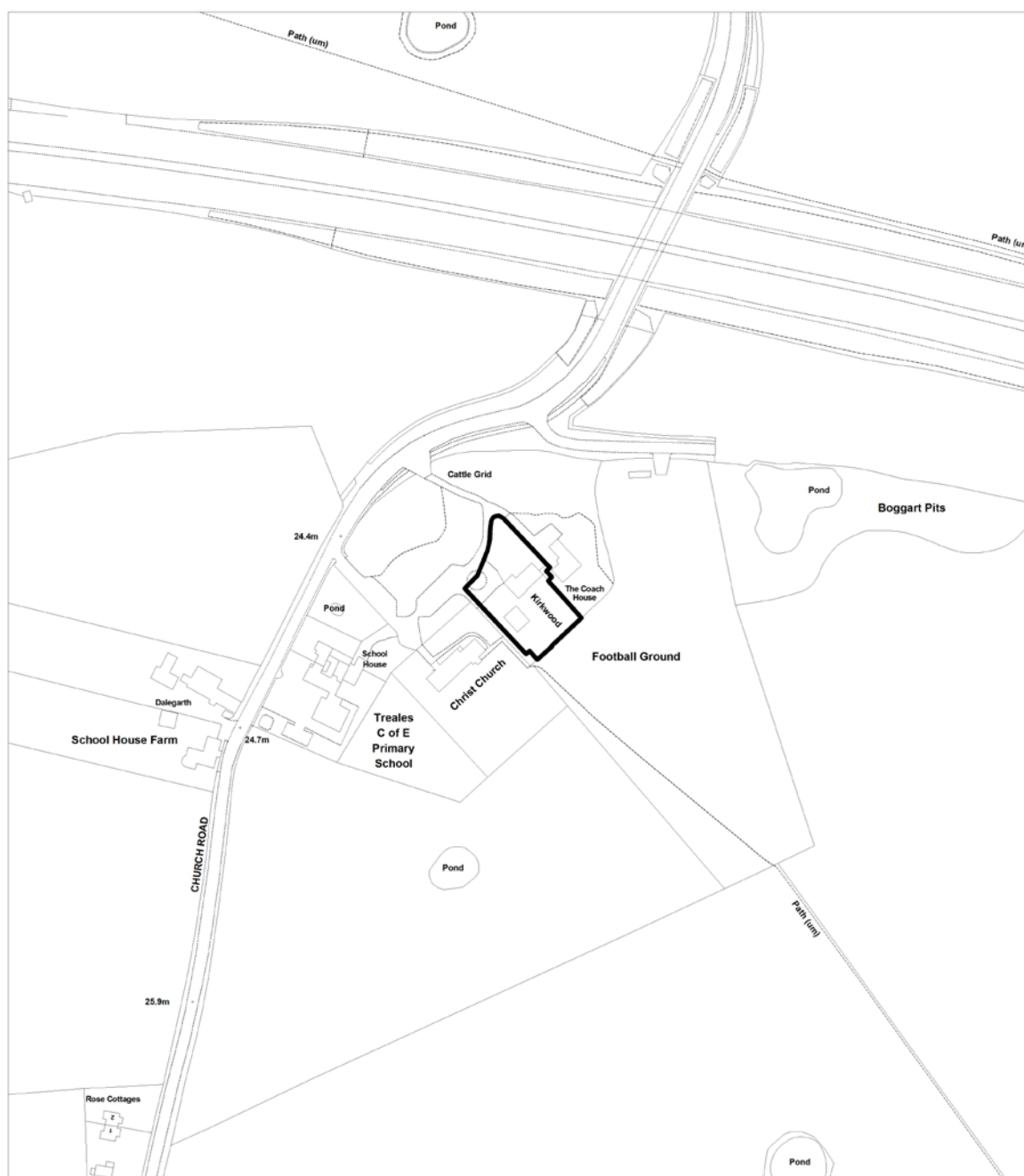
2. This consent relates to the following details:

- Roof Plans, Site Location & Block Plan - PR-02
- Proposed Plans and Elevations - PR-01 Rev B

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The materials of construction and/or finish in respect of the extension(s) hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

To ensure visual harmony in respect of the overall development.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0121	Address Kirkwood, Church Road, Treales	Grid Ref. E.3445 : N.4346	Scale 0 10 20 30 40 m

Item Number: 5

Committee Date: 29 June 2016

Application Reference:	16/0213	Type of Application:	Full Planning Permission
Applicant:	Mr Michael Walton	Agent :	
Location:	234 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1NH		
Proposal:	RETROSPECTIVE APPLICATION FOR ERECTION OF 800MM HIGH CLOSE BOARDED TIMBER FENCE ABOVE BOUNDARY WALL TO CLIFTON DRIVE SOUTH		
Parish:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Rob Clewes
Reason for Delay:	Need to Determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7461189,-3.0219983,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application is retrospective and relates to the erection of a fence to form an extension to the wall along the boundary of the property with both Clifton Drive South and Derbe Road. The fence is over an existing brick boundary wall and raises the overall height to 1.8m over a distance of 25m on that frontage and 54m overall.

As the boundary wall/fence has an overall height that exceeds 1m above ground level and is adjacent to a highway planning permission is required. The fence has a detrimental impact to the character of the street scene by reason of the increase in height of the boundary treatment of the property over this length, and the resulting dominant appearance. The fence is therefore contrary to the NPPF and Policy HL5 of the Fylde Borough Local Plan and recommended for refusal.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee due to Ward Councillor support contrary to officer recommendation.

Site Description and Location

The application property is a detached house located on the corner of Clifton Drive South and Derbe Road. Surrounding the property running along the north and west boundaries there is a red brick boundary wall which fronts the highways. This wall also consists of terracotta coping stones. The wall also has a timber fence situated directly behind it to a height of 1.8m. The element fronting Derbe Road has seemingly been in position for some years without the benefit of planning permission whereas the element fronting Clifton Drive South is recent and is the subject of this

application. The surrounding area is characterised by residential properties both detached and semi-detached and front boundary red brick walls are a prevalent feature in the area. Directly behind many of these walls there is mature vegetation.

Details of Proposal

This is a retrospective application for the erection of a timber fence which projects 0.8m above the existing boundary wall which is 1m high. The fence is of close boarded construction and runs the full length of the boundary wall which fronts on to Clifton Drive South. The fence is stained dark brown to match the existing side boundary fence.

The application is supported with a statement that explains that the applicant purchased the property earlier in 2016 and did not assume that there would be any issue with the erection of the fence as it was a corner plot and there are other fences in similar locations in the area. A series of photos of other fences are included. The statement also refers to the deposit of litter in their garden and the gathering of people at the bus stop which is to the front of the property. It also explains that the dwelling has a limited rear garden and so as a family house it is important that a safe garden area is available.

Relevant Planning History

Application No.	Development	Decision	Date
77/0982	EXTENSION TO FORM BATHROOM.	Granted	04/01/1978
86/0104	CHANGE OF USE: GROUND FLOOR OF DWELLING INTO RESTAURANT.	Refused	21/05/1986

Relevant Planning Appeals History

Application No.	Development	Decision	Date
86/0104	CHANGE OF USE: GROUND FLOOR OF DWELLING INTO RESTAURANT.	Dismiss	19/11/1986

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 31 March 2016 and comment that they have “No specific observations”:

Statutory Consultees and Observations of Other Interested Parties

None.

Neighbour Observations

Neighbours notified:	31 March 2016
Amended plans notified:	N/A
Site Notice Date:	28 April 2016
Press Notice Date:	N/A
No. Of Responses Received:	1 letter of support from Ward Cllr
Nature of comments made:	

The fence is of a good standard and not a detriment to the area
Applicants have suffered from anti-social behaviour
Applicants wish to enjoy their garden in safety

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

None

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues regarding this application is the impact the addition of the fence has to the character of the street scene and visual amenity of the area. Although not a house extension Policy HL5 of the adopted Fylde Borough Local Plan is considered the most relevant Policy in relation to this proposal.

This particular stretch of Clifton Drive South is predominantly characterised by red brick front boundary walls approximately 1m high. Many properties have retained their original walls which appear subordinate to the large and grandly detailed houses to which they serve. The proposed fence alters this perception and creates a front boundary which is far more dominant within the street scene and becomes a negative focal point on the property. Although it has been stained to match the side boundary fence (also erected without planning consent albeit some years ago) it does not reduce its dominance or appearance within the street scene adequately for it to be viewed favourably. The presence of the side boundary fence carries little weight in the decision as it does not front onto Clifton Drive South and appears less dominant within the street scene. Some of the properties along Clifton Drive South have mature vegetation behind their boundary walls which create a pleasant and softer appearance than a more solid structure such as a fence and in turn appear less dominant.

The applicant has submitted a supporting statement highlighting other fences in the wider area. A historical application search for fences along Clifton Drive South has found a few consents, however these are not common and spread over a large period of time with the majority of examples shown in the supporting statement not having the benefit of consent. Irrespective of whether the council can enforce against these other fences, it is considered that the addition of further fencing along Clifton Drive will further detrimentally alter/erode the character of the area by weakening its intended character of low boundary walls with openly viewable front gardens up to the front elevations of the properties they serve. This is especially the case in a prominent corner location

such as this which extends the length of the fence, and so its harm. It should also be noted that although there are some existing fences in the area, with or without the benefit of planning permission, in recent years a number of planning applications for similar tall fences around front gardens have been refused by this council and subsequent appeals have been dismissed.

The applicant has stated that the fence is crucial to the wellbeing of their family and being able to enjoy their own garden. Whilst it is acknowledged that anti-social behaviour is a concern it does not out-weigh the harm to the street scene.

Conclusions

The proposed fence has a detrimental impact to the character of the street scene by reason of its increase in height of the boundary treatment of the property and the resulting dominant appearance. The fence is therefore contrary to the NPPF and Policy HL5 of the Fylde Borough Local Plan and recommended for refusal.

Recommendation

That Planning Permission be REFUSED due to the following reasons:

1. The fence is of a design, height, length, and position in relation to the property boundary that fails to reflect the established open character and soft landscaping of other properties along Clifton Drive South. As such it represents an intrusive form of development that causes harm to the street scene and the intended original character of the dwelling and its contribution to the streetscene. Accordingly the fence is contrary to criterion 1 of Policy HL5 of the adopted Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0213	Address 234 Clifton Drive South, Lytham St Annes	Grid Ref. E.3326 : N.4282	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 29 June 2016

Application Reference:	16/0223	Type of Application:	Listed Building Consent
Applicant:	Mr Christian Clayton	Agent :	Alan Jones Chartered Surveyors
Location:	WHITE HOUSE, BALLAM ROAD, WESTBY WITH PLUMPTONS, LYTHAM ST ANNES, FY8 4NG		
Proposal:	LISTED BUILDING CONSENT FOR PROPOSED CONSERVATORY TO REAR		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Ruth Thow
Reason for Delay:	Need to Determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7707637,-2.9637233,687m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks Listed Building Consent for a conservatory type structure to the rear of a Grade II Listed Building. The main issues for consideration in this application are contained within Policy EP4 of the Fylde Borough Local Plan, as altered (October 2005) together with the aims of the National Planning Policy Framework. In this instance it is considered that the proposal would not have a harmful impact on the historical merit of this Listed building due to the design, scale and use of materials and accordingly is recommended for approval by Members.

Reason for Reporting to Committee

The application is on the agenda as the views of Westby with Plumpton Parish Council are contrary to the views of officers.

Site Description and Location

The application site is White House, Ballam Road, Westby with Plumpton. The property is a two storey detached dwelling which is render finished to the front elevation and brick to the rear. The property has been renovated which included a two storey extension porch to front, partial roof lift to rear, alteration / replacement of existing windows and formation of new windows and roof lights - application 10/0805 and 10/0806 refers.

The dwelling is located on the crest of a small hill on Ballam Road and where there is a small grouping of neighbouring dwellings and farm buildings. The property has open fields to the rear and to the east side of the property and is located in a countryside area as designated on the Fylde

Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks listed building consent for a fully glazed conservatory to the rear of the dwelling.

The structure measures 3.1 metres in rear projection by 4.2 metres wide and is designed with a flat roof to an overall height of 2.75 metres. The extension includes an aluminium roof with rooflight the sides of which are designed to slide open on all elevations.

Relevant Planning History

Application No.	Development	Decision	Date
16/0242	CONSERVATORY TO REAR	Withdrawn - Invalid	09/05/2016
15/0655	CHANGE OF USE OF AGRICULTURAL STORAGE BUILDING TO JOINERY FINISHING WORKSHOP (CLASS B2) INCLUDING EXTERNAL ALTERATIONS TO FORM ADDITIONAL DOORS, WINDOWS AND ROOFLIGHTS	Granted	16/11/2015
14/0285	LISTED BUILDING CONSENT FOR PROPOSED DETACHED GARAGE	Granted	25/07/2014
14/0210	PROPOSED DETACHED GARAGE	Granted	25/07/2014
11/0467	RE-SUBMISSION OF 11/0111 - PROPOSED ERECTION OF WALLED ENTRANCE DETAIL AND GATES.	Granted	30/08/2011
11/0111	PROPOSED ERECTION OF WALLED ENTRANCE DETAIL AND GATES	Withdrawn by Applicant	13/06/2011
10/0805	PROPOSED ALTERATIONS TO DWELLING INCLUDING: TWO STOREY SIDE EXTENSION FOLLOWING REMOVAL OF EXISTING GARAGE, PORCH TO FRONT, PARTIAL ROOF LIFT TO REAR, ALTERATION / REPLACEMENT OF EXISTING WINDOWS AND FORMATION OF NEW WINDOWS AND ROOF LIGHTS	Granted	11/02/2011
10/0806	LISTED BUILDING CONSENT FOR PROPOSED ALTERATIONS TO DWELLING INCLUDING: TWO STOREY SIDE EXTENSION FOLLOWING REMOVAL OF EXISTING GARAGE, PORCH TO FRONT, PARTIAL ROOF LIFT TO REAR, ALTERATION / REPLACEMENT OF EXISTING WINDOWS AND FORMATION OF NEW WINDOWS AND ROOF LIGHTS	Granted	11/02/2011

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 05 April 2016 and comment:

"The parish council discussed the application at length and, on this occasion, unfortunately recommends REFUSAL.

Although there is no objection in principle to an addition, the design of the proposed addition is NOT in keeping with the character of the LISTED building. The parish council would encourage the applicant to submit a revised plan, sympathetic to the existing structure."

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified:	05 April 2016
Site Notice Date:	18 April 2016
Press Notice Date:	14 April 2016
No. Of Responses Received:	None received.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP04	Alteration and adaptation of listed buildings
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

This application seeks Listed Building Consent to construct a glazed conservatory to the rear of a Grade II Listed Building. Due to the size of the extension being proposed planning permission is not required in this instance therefore the requirements of Policy EP4 of the local plan (which refers to listed buildings) and the aims and guidance of the National Planning Policy Framework (NPPF) in regards to heritage assets are relevant to the determination of this application.

Policy EP4 of the local plan states "*changes of use, external or internal alterations or additions to a listed building, where there would be an adverse effect on its architectural or historic character, or where the development would prejudice its setting will not be permitted.*"

The NPPF which provides a presumption in favour of sustainable development states that one of the 12 core principles that underpin both plan-making and decision-taking is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. It also says that account

should always be taken of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; their potential to contribute to sustainable communities; and the desirability of new development making a positive contribution to the historic environments local distinctiveness. Significance, as defined by the NPPF glossary 'includes archaeological, architectural, artistic or historic interest.

Most historic buildings reflect the cumulative changes of different ownership and uses and these in themselves can add to the special interest of a listed building, reflecting social and individual values and needs. Given the variety of historic building types and their individual characteristics, designs that work for one building may not necessarily work for another. Some listed buildings will be much more sensitive to change than others, so each case should be considered on its individual merits.

This application proposes a contemporary designed structure located to the rear of the building. Whilst it does not propose a more 'traditional' designed extension, constructed in either brick or stone, it does propose a glazed lightweight form of development. This glazed structure is simple in its form, reflecting the simple characteristics and features on the host dwelling. The design minimises the harm to the character of the listed property by allowing the building to be 'read through' the proposed structure.

The extension is subordinate in terms of scale and sits centrally on the rear elevation as a result of the lightweight nature of the extension it would not jeopardise the buildings' long term interest and could easily be remove without harm to the fabric of the building. It is to be constructed in good quality materials to match those used in the recent refurbishment of the dwelling.

It is considered that the proposal achieves the above requirements and is consistent with the aims of the NPPF and Policy EP4 of the local plan, in that the architectural and historic character of the listed building is not compromised by this development.

Conclusions

The proposal complies with the relevant local plan policy and does not have an undue impact on the special character of the listed building on the site. There are no material considerations other than those addressed above. The proposal is acceptable and therefore the application is recommended for approval by Members.

Recommendation

That Listed Building Consent be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

Approved plans:

- Location Plan and proposed floor plans and elevations - drawing no. B16-1685.01

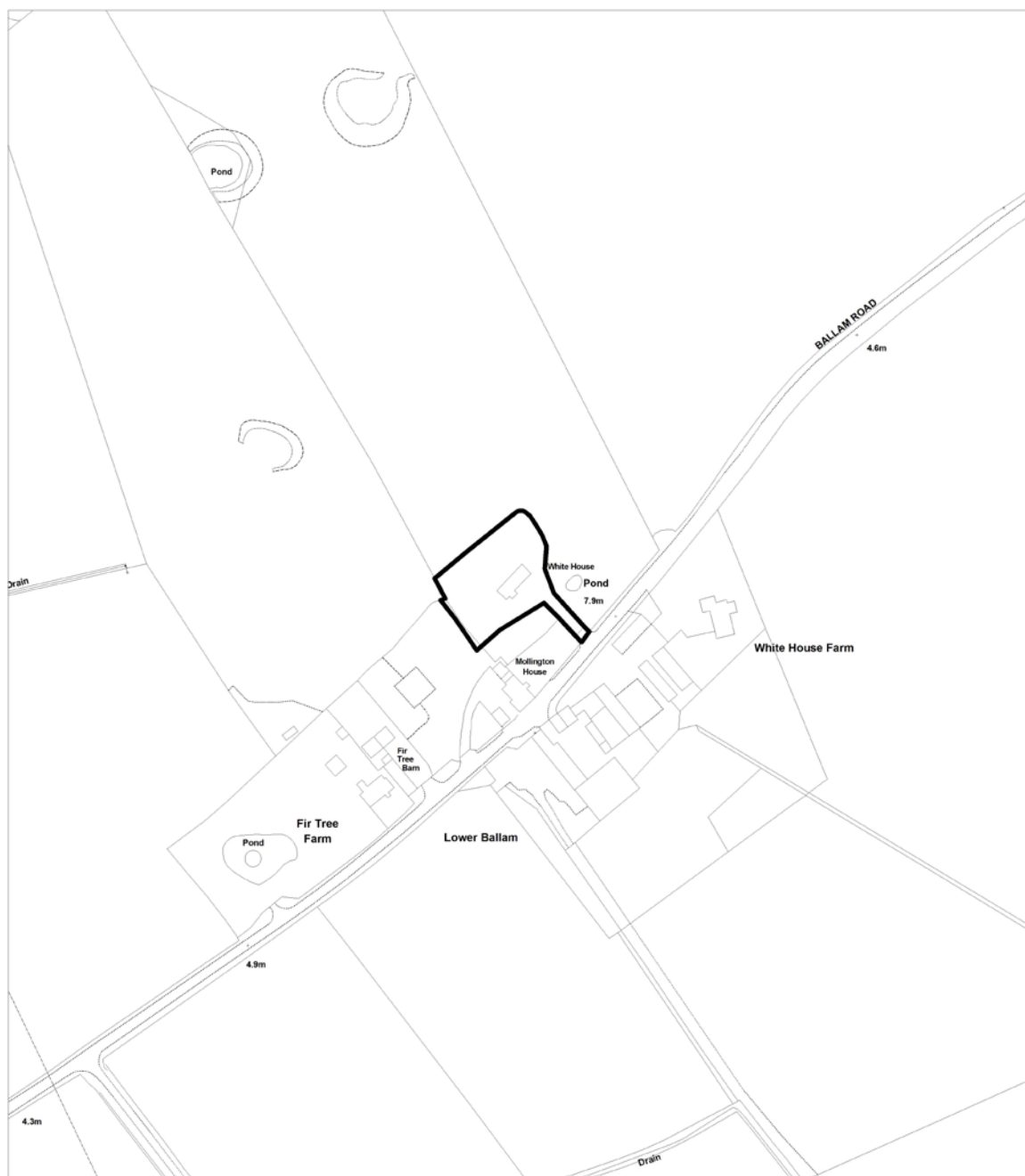
Supporting Reports:

- Heritage and Impact statement - Alan Jones - June 2016
- Stability report - Peter Hodson - February 2011

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0223	Address White House, Ballam Road, Westby	Grid Ref. E.3366 : N.4310	Scale 0 10 20 30 40 m

Item Number: 7

Committee Date: 29 June 2016

Application Reference:	16/0233	Type of Application:	Full Planning Permission
Applicant:	Mr Sam Patterson	Agent :	Gary Hoerty Associates
Location:	LAND TO THE REAR OF WESTFIELD COTTAGE, MYTHOP ROAD, WEETON WITH PREESE		
Proposal:	ERECTION OF AGRICULTURAL BUILDING FOR SHEEP DAIRY		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.8017145,-2.9446498,686m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a greenfield area of land located adjacent to Mythop Road between Weeton and Staining at the point where that road rises over the railway line. It forms part of a larger field that is in agricultural use and allocated as Countryside in the Fylde Borough Local Plan. The proposal is to erect a building on the site to be used as a sheep dairy associated with a recently established agricultural enterprise.

The proposed agricultural use in a Countryside location which is acceptable in principle subject to the building being appropriately designed and located. An earlier application for a building in this location was withdrawn as officers raised concerns over the visual impact that scheme would have had. This proposal re-sites the building and introduces landscaping to the site edges to mitigate that impact to an acceptable level and so is now considered to be acceptable.

In the absence of any other material considerations contrary to the development the proposal is recommended for approval.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council views are contrary to those of the officer and under the council's scheme of delegation such applications are to be determined by the Development Management Committee.

Site Description and Location

The application site is land of Mythop Road, Weeton. In particular the application refers to a parcel of land of 0.33 Ha located to the south east of 'Westfield Cottage' and parallel to the railway line.

The site is open agricultural land with land levels lower than the adjacent railway line and Mythop Road.

The site is allocated as countryside in the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the erection of an agricultural building for the purposes of a sheep dairy. The building measures 50.2 metres in length by 22.8 metres in width, designed with a pitched roof with an eaves height of 4.5 metres and an overall ridge height 7.6 metres.

The building is to be constructed with concrete panels and 'Yorkshire' boarding to the elevations - east and west sides and with galvanized steel gates and 'gale breaker' roller screen to the south elevation. The north elevation has concrete panels and with close boarding. In addition a single silo is to be located to the east side of cylindrical construction to an overall height of 6 metres.

Internally the building provides a dry and milking sheep area, dairy/office, parlour, collecting yard, isolation pen and an area for lambs. Externally the building sits on a concrete apron 9.14 metres deep. Landscaping of a mix of indigenous species is proposed along the highway verge.

Relevant Planning History

Application No.	Development	Decision	Date
15/0790	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING WITH ASSOCIATED HARDSTANDING AREA AND ACCESS TRACK	Withdrawn by Applicant	19/02/2016
15/0715	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2015/0100 - CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT	Raise Objections	04/02/2016
15/0598	CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT AT STANLEY VILLA FARM	Withdrawn by Applicant	23/09/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 07 April 2016 and comment:

"Parish Council object to the application having concerns on access to the site, which is situated on a bad bend near to the railway bridge and impact on additional amount of traffic through Weeton Village."

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No safeguarding objection.

Lancashire County Council - Highway Authority

"The access point is existing and highway visibility in both directions along Mythop Road is acceptable.

Overall there are no highway objections to this application. Should your council be minded to grant planning approval I would ask that the following condition be appended to any decision notice:

Condition

Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users."

Regeneration Team (Landscape and Urban Design)

"I have reviewed the above application. The applicant has submitted a landscape plan, however further information is required with regards to the proposed stock size.

I would recommend that the trees are a minimum of 12 – 14 and that there is further tree and hedgerow planting in sections to the southern and eastern elevations of the development. This will assist in the overall integration of the development in the surrounding countryside."

Network Rail

Raise no objections, but comments made relating to safety as follows:

"Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway (including the demolition works which should be undertaken by an approved contractor). We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any site security, possession costs, asset protection costs, and site visits and any review and agreement of proposal documents."

United Utilities

They highlight that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way, but make no objections to the application.

Neighbour Observations

Neighbours notified:

07 April 2016

Site Notice Date: 20 April 2016
No. Of Responses Received: 1 letter received
Nature of comments made:

- applicant should be aware of two cars going through hedge into field since Easter
- animals getting onto road
- entrance to field on 90 degree bend entrance just over railway bridge which hides vehicles until last minute any increase in field use dangerous

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The application

This application seeks permission to erect a new agricultural livestock building to provide housing for sheep and for use as a dairy for the milking of the sheep.

Policies

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) are relevant together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

The need and principle of development

Policy SP2 is relevant to this application given its countryside location. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas

and to promote the development and diversification of agriculture and other land based rural businesses.

The applicant has recently established a sheep dairy enterprise and has purchased 190 sheep in August 2015 and is currently operating from a farm in Cockerham, Lancaster where he was expecting the majority of the sheep to lamb this spring. This is a temporary solution as the applicant does not have long term access to this farm. Once the ewes have lambed the lambs will be artificially reared in the proposed building and some 'tup' lambs sold, and the ewes milked. The applicant intends to increase his flock by retaining the ewes to build up the numbers to around 500.

The application land is owned by Mr Colin Bradley in association with Stanley Villa Farm and subject to obtaining planning permission the applicant, who works for the owner, he will be granted a 10 year farm business tenancy on 106 acres of land surrounding the site. The applicant intends to use a small area of land for grazing the sheep and use the remaining land for arable crops.

The application relates to a new sheep milking enterprise. In order to establish the enterprise, a purpose built facility is required to house the sheep and provide milking facilities. Whilst being a new enterprise, the proposed business has been well researched, with appropriate contracts in place. Taking this into account, it is considered that the building is essentially required to provide the necessary facilities to allow the enterprise to function.

In view of the above it is considered that the proposal is justified in principle and complies with the requirements of Policy SP2 of the local plan in regard to need.

Impact on visual amenity

The building is proposed to be sited parallel to the railway embankment and set back from the highway by not less than 19 metres. Due to the levels of the land the building will be visible, particularly coming over the rise of the railway bridge. However, the embankment and bridge walls will provide some partial screening and the applicants are proposing some indigenous landscaping, appropriate to a rural location to the front of the site abutting the highway. This will soften the visual impact of the building.

The design of the building is typical of many others in the borough with concrete side panels and 'Yorkshire boarding' under grey fibre cement roof panels and has been designed for its intended purpose.

Whilst the location of the building would preferably be where there are other farm buildings in the group it is understood that the applicant does not have an option on other land. However, the revised location of the building and the introduction of appropriate landscaping will reduce any harm to an acceptable level and accordingly the proposal is considered acceptable with regards to visual amenity and will not result in any undue detriment to the character of the countryside.

Impact on neighbours

This application follows an earlier application for an agricultural building on this field. The previous scheme proposed a building to house cattle which was to be sited in close proximity to the dwelling 'Westfield Cottage'. This proposal had potentially detrimental consequences for the occupiers and the application was subsequently withdrawn. The sheep enterprise was originally proposed elsewhere on land belonging to Stanley Villa Farm however, for a variety of reasons it is intended to be sited off Mythop Road hence the application.

The current proposal has re-sited the location of the agricultural building away from the boundary with the neighbours to at 'Westfield' to reduce the impact for the occupiers of this property. Whilst the occupiers have objected to the current scheme their comments refer to highway safety covered below in this report.

Due to the distance of the building to the neighbours, which is 100 metres at the nearest point, it is considered that the proposed building will not result in a detrimental impact for the occupiers of this dwelling in regards to loss of light or privacy. Issues of smells are covered by other legislation and will take account of the agricultural nature of the area.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

Access and highway issues

It is intended that access to the new building will be via the existing access from the highway to the field and will be hard surfaced.

The neighbours have commented on road traffic accidents in this area and this has also been raised by the Parish Council.

LCC records identifies two incidents in close proximity to the entrance to the site, one in 2011 and in 2015. The first incident involved a motorcyclist who lost control and collided with a car travelling in the opposite direction. In the accident in 2015 a driver failed to negotiate the bend and left the carriageway. Neither of these accidents involved the access to the application land which is existing and which is currently used as agricultural land with slow moving agricultural vehicles utilizing the entrance. In addition LCC Highway Engineers do not object to the scheme on highway safety grounds.

The proposal is therefore considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

Conclusions

Taking the above matters into account it is considered that the support to the rural economy from supporting this new rural enterprise is such that any other areas of concern are outweighed.

The development is sited in an area that will result in some views of the development however the scale and appearance of the buildings is considered to be acceptable and consistent with the visual appearance of other farm buildings in the borough with minimal impact on neighbouring amenity.

The proposal is therefore considered to comply with the requirements of Policies SP2, and EP11 of the Fylde Borough Local Plan, as altered (October 2005), in respect of the agricultural need for the development and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

Approved plans:

- Location Plan drawing no. - Bra/635/2064/01
- Site plan drawing no. - Bra/635/2069/02 REV A
- Proposed floor and elevation plans - drawing no. Bra/635/2069/03

Supporting Reports:

- Planning and design and access statement
- Copy of draft tenancy agreement

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

4. Landscaping shall be carried out in accordance with details shown on drawing no. Bra/635/2069/02 REV A. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved in writing by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in any event no later than the next available planting season.

To enhance the quality of the development in the interests of the amenities of the locality.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

Item Number: 8

Committee Date: 29 June 2016

Application Reference:	16/0238	Type of Application:	Variation of Condition
Applicant:	KIRKHAM & WESHAM CRICKET CLUB	Agent :	Cardinal Support Serices
Location:	KIRKHAM & WESHAM CRICKET CLUB, WOODLANDS AVENUE, KIRKHAM, PRESTON, PR4 2JQ		
Proposal:	REMOVAL OF CONDITION NUMBER 4 ON PLANNING APPLICATION 5/88/0146 FOR CLUBHOUSE OPENING TIMES		
Parish:	KIRKHAM NORTH	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7837133,-2.8832086,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application refers to the clubhouse at the cricket club, and specifically the hours of opening which are controlled by a condition from 1988. The application seeks to remove the existing and so leave the control of the operation of the clubhouse entirely to the licencing regime.

That regime was not in place at the time that the planning permission was granted in 1988 when the Magistrates were the controlling body for licenses. That is no longer the case and the local authority has those powers through the Premises License regime. The club have recently successfully altered their license to allow the clubhouse to be used up to 00:30 hrs every day, although have benefited from those hours on weekends for 11 years without any significant complaints being received.

Taking the above into account it is considered that planning permission should be granted to remove the planning condition as the Preemies License provides an appropriate mechanism to control the operation of the site.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation conflicts with the views received from the Town Council.

Site Description and Location

The application site is the Kirkham and Wesham Cricket Club located at the end of Woodlands

Avenue in Kirkham. The site comprises of a club house, car park and cricket ground which is to the south of the club house. Immediately to the east of the Club House there is a primary school and close by to the north and southeast there are neighbouring residential properties.

Details of Proposal

The proposal is an application to remove condition no.4 from planning approval 88/0146. That permission relates to an extension to the clubhouse to form changing rooms and a meeting room, and also facilitates its use for functions. Condition 4 states *"The said clubroom shall not be used between the hours of 11.20pm and 10.00am the following day"* with the reason given being to *"Safeguard the amenities of the neighbourhood"*

The application proposes to remove this condition. This is based on two factors:

- The planning permission was granted at a time when the control over operation of licensed premises was with the Magistrates rather than the local authority. As such planning conditions were imposed to give the council a measure of control that is no longer required as the Licensing Act 2005 provided local authorities with effective licensing and enforcement powers over licensed premises.
- The premises has benefited from a license that allows opening until 1.30 am Thursday to Saturday and until 00.30 am on Mondays to Wednesday since 2005. It has therefore operated in breach of this planning control regularly with no recorded complaints CHECK THIS

Relevant Planning History

Application No.	Development	Decision	Date
88/0146	EXTENSION TO FORM CHANGING ROOMS, MEETING ROOM ETC.	Granted	15/06/1988
78/0975	FLOODLIT TRAINING AREA.	Granted	08/11/1978
83/0072	EXTENSION TO EXISTING CRICKET CLUB BUILDING.	Granted	02/03/1983
83/0942	EXTENSION TO CLUB HOUSE.	Granted	01/02/1984

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 04 April 2016 and comment:

Kirkham Town Council recommend refusal as this will license the open areas of the grounds on a permanent basis as opposed to occasional events which will significantly impact on the neighbouring residents. Council request this application is considered at committee.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Comments - No objections

Neighbour Observations

Neighbours notified: 04 April 2016
No. Of Responses Received: 2 letters received
Nature of comments made:

The clubhouse is next to a school and therefore should be restricted during school hours
The use of the clubhouse at night creates noise and nuisance to neighbouring properties

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP27	Noise pollution

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

None

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issue regarding this application is whether the removal of condition no.4 of planning approval ref: 88/0146 would result in an increase in impact to the amenity of the neighbouring residential properties. Policy EP27 of the adopted Fylde Borough Local Plan seeks to resist development that would lead to an unacceptable level of noise.

Currently the clubhouse is restricted to operating no later than 11:30pm and this condition was put in place to protect the amenity of the surrounding properties. However, it is clear from the submissions reported in the Proposals section of this report that the condition has outlived its purpose due to the change in legislation. It is also material that there has been a limited level of relevant objections from neighbours to this proposal, and a lack of recorded complaints to the council over the events that have taken place in the past 11 years when the premises license has allowed later events to occur.

On that basis it is concluded that the condition can be removed with no harm being suffered given that there remains effective controls available to the council through its premises licensing function. This is in accordance with the NPPF guidance at para 122 which refers to the planning system not duplicating the work of other pollution control regimes. Therefore the application is recommended for approval.

The Town Council have asked that the application be presented to Committee as they believe that the condition removal will allow the open areas of the cricket ground to be licenced on a permanent

basis. That view is clearly incorrect as the condition only relates to a part of the clubhouse (the “clubroom”) and so it has no control over the remainder of the building or the external area of the cricket club. Any external licensable events in this area will need to apply for the appropriate licenses from the council and those applications will be assessed in the proper manner through that legislative process.

Conclusions

The application seeks to remove the existing restrictive condition limiting the hours of use of the clubroom within the clubhouse. This condition is now outdated and has been replaced by more effective controls under the Premises Licence legislation. Accordingly the need for the condition has passed and so the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED and the condition removed.



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Application No. 5/16/0238	Address Kirkham & Wesham Cricket Club, Woodlands Avenue, Kirkham	Grid Ref. E.3419 : N.4322	Scale 0 10 20 30 40 m

Item Number: 9

Committee Date: 29 June 2016

Application Reference:	16/0239	Type of Application:	Full Planning Permission
Applicant:	Fylde Coast YMCA	Agent :	MPSL Planning & Design
Location:	LAND EAST OF SEFTON ROAD, LYTHAM ST ANNES, FY8 1XF		
Proposal:	DEMOLITION OF EXISTING BUILDING AND ERECTION OF 12 ONE-BEDROOM APARTMENTS INCLUDING ASSOCIATED BIN/CYCLE STORE AND EXTERNAL LANDSCAPING		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	11	Case Officer:	Kieran Birch
Reason for Delay:	Not Applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7837133,-2.8832086,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is located within the urban area of St Annes off St Albans Road. The proposal is to erect a 3 storey building to provide 12 x 1 bedroomed apartments, with these being provided as affordable units.

The development of a previously developed site in a sustainable location such as this is acceptable in principle. The design, scale and materials of the proposed development are acceptable and it is considered to be a good quality development that will enhance the visual amenities of the area and comply with the relevant policies of the adopted Local Plan and NPPF. There are no highway issues with the proposal and it will not have an unacceptable impact on the amenity of neighbouring properties. The development is therefore considered acceptable and it is recommended that planning permission be granted.

Reason for Reporting to Committee

The application is for a major development and as the officer recommendation is for approval it is to be determined by the Development Management Committee.

Site Description and Location

The application site is located on the eastern side of Sefton Road which is a small road located off St Albans Road. The site is bounded by a single residential dwelling to the north, three storey residential apartments to the east and the Patterson centre the south, and on the other side of Sefton Road a commercial building. The site is currently used as an informal car park for the Patterson Centre and so is hard-surfaced.

Details of Proposal

The application has been submitted by the YMCA and is for 12 one bedroomed apartments set over three storeys. The apartments are to be constructed as a capital development project for the Fylde Coast YMCA in partnership with Fylde Council and would be a sanctuary for young people aged 18-25 with general needs including current YMCA residents in work or training. The properties will offer a transition towards their final journey towards independent living.

The apartment block will be set slightly to the south of the centre of the site to allow for a bin/cycle store to be located to the north. It will be three storeys with a hipped roof and front gables incorporating two storey bay windows at the front of the building. At the rear of the site three storey bay windows will feature. The materials proposed are red facing brick, grey roof tiles, projecting artstone band course and window cills and upvc windows. A 0.9m metal railing is proposed at the front of the site and 1.8m railings adjacent to the sides of the building. Within the site proposed are trees set in grills and shrub bed planting

Relevant Planning History

None relevant to this application.

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 20 April 2016 and make *"No specific observations."*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

With regard to your consultation letter dated 20th April 2016 I have the following comments to make based on all the information provided by the applicant to date and after undertaking a site visit.

The Highways Development Control Section does not have any objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

Strategic Housing

Housing would support this application as it is supported by a grant from S106 reserves to provide 11 self-contained flats in St Annes. The application is for 12 units. YMCA is a key partner with the council and has been providing housing related services for a number of years. The project aims to deliver purpose built, general needs accommodation for young people aged 18-25. The young people will be in work or training and the low rents that reflect LHA rates provided by the project will enable them to access affordable accommodation.

United Utilities

No objections to the proposal. The submitted drainage strategy is acceptable in principle

to United Utilities. They require a condition that the development is carried out in accordance with the submitted foul and surface drainage design drawing. They also require a condition regarding a management and maintenance regime for SUDs.

Lancashire CC Flood Risk Management Team

The development is not listed in the 'when to consult the LLFA' document or in the Development Management Procedure order.

Neighbour Observations

Neighbours notified: 20 April 2016
Site Notice Date: 26 April 2016
Press Notice Date: 28 April 2016
No. Of Responses Received: None.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
TR09	Car parking within new developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues to be considered when determining this application are;

Principle of residential development
Design and visual impact
Impact on residential amenity
Highways issues
Flood risk and drainage
S106 Contributions

Principle of residential development

The principle of development of the site for a residential use is acceptable. The site is located within the settlement of St Annes and within walking distance of a local centre and the town centre in an area. It is an area which has both residential and commercial properties and therefore accords with policy SP1 which directs development to established settlements. There are no local or

national planning policies that preclude the development of the site and the principle of developing the site residentially is therefore acceptable.

Design and visual impact

The design and layout of the proposal is outlined in the details of proposal paragraph above. The design of the building is considered to be acceptable. The three storey apartment building reflects the character of the surrounding residential dwellings in the area featuring front gables and two storey bays, with the surrounding area featuring these on terraced two and three storey dwellings. The predominant material to be used in the development is red brick which is the same as the wider area. Other materials proposed, such as the cladding, add visual interest to the elevations. The addition of the front and rear bays and gables the development to have a positive visual impact from both front and rear elevations.

The proposed use of block paving to the front of building, together with metal railings and trees and shrubs set in grilles and planters will also enhance the appearance of the development. The design of the building is considered to be good quality and it is of an acceptable scale with respect to the area which it is located which features a number of three storey dwellings. Though higher than the adjacent two buildings on Sefton Road the proposal is not so large as to dominate these buildings and will not harm the street scene.

Impact on residential amenity

The proposal will not have a detrimental impact on the residential amenity of neighbouring dwellings. On the opposite side of Sefton Road is an existing works unit and the Paterson Centre is an advice centre so there is no issue with impact on these properties. To the north of the site is an existing detached residential dwelling, its side elevation facing the application side elevation approximately 6.2m away with no windows in it. Its two storey outrigger extends in line with the rear elevation of the proposed apartments so there are no issues with loss of light or overlooking between the two properties.

To the rear of the application site are two terraces of two and three storey apartments and a terrace of three storey dwellings to the south east (The Rock Factory development). The apartment buildings have blank elevations facing the application property so there will be no direct overlooking and the areas between the buildings and the protruding bays are communal areas not private. The dwellings to south east of the application site do have private rear yards, one of which shares a boundary with the application property. The windows in the part of the rear bay window facing these dwellings are shown to be obscure glazed which will prevent overlooking of these private areas and this is to be controlled by condition.

The siting of the building complies with the Councils spacing standards and are typical of an urban residential situation. Thus the development will not have an unacceptable impact on the residential amenity of surrounding dwellings.

Highways issues

There are no highways with the application. LCC Highways have commented that they have no objections and are of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site. No parking spaces are proposed but given the nature of the development and its highly accessible location this is not an issue.

The site is currently used as informal car parking for the Patterson centre and as this area of parking will be lost the YMCA group will offer parking provision at their offices located to the south of the site preventing on street parking.

Flood risk and drainage

The site is not located in a flood zone and therefore a flood risk assessment is not required to be submitted. A drainage plan has been submitted and shows how the site will drain foul and surface water to an existing combined sewer. United Utilities have been consulted and request a condition that the development is carried out in accordance with the submitted plan and a management plan be submitted. There are therefore no drainage issues with the application.

S106 Agreement

As the proposal is for housing for young people aged between 18-25 it is not appropriate that the scheme makes a contribution towards education as it is unlikely that it will house children of school age.

The funding for the development is to come in part from the council there are controls over the operation of the units in that the funding is dependent on the scheme:

- a) Ensuring ongoing provision of the affordable housing units, as set out in the funding request; and
- b) that a restriction is placed on the registered title of the site to prevent disposal without the written consent of Fylde Borough Council to protect the council's investment.

Whilst this legal agreement provides good security over the operation of the units the council's legal officers advise that a condition is required to ensure that they deliver the appropriate proportion of affordable units to comply with the requirement for all developments of over 10 units to deliver 30% of the units as affordable properties.

Conclusions

The proposal is acceptable in principle and offers a high quality design in a mixed residential and commercial area within the settlement of St Annes. It is considered an acceptable form of development in this location and is in accordance with the relevant policies of the Fylde Borough Local Plan. As such members are recommended to approve the application.

Recommendation

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

Reason: This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. No above ground works shall take place until a scheme for the provision of affordable housing to be delivered on the site as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) the numbers, type, tenure and location of the affordable housing provision to be made which shall consist of not less than 30% of the housing units;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall meet the definition of affordable housing in the NPPF (or any future guidance that replaces it) and shall be provided in full accordance with the details and timetable contained within the duly approved scheme.

Reason: To ensure that an appropriate and proportionate contribution towards affordable housing is made as part of the development in order to meet local need, and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032 (Revised Preferred Option) and the National Planning Policy Framework.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: In the interests of visual amenity.

4. Prior to commencement of any development on site, full details of all hard surface treatments within the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be carried out prior to occupation of the residential units.

Reason: In the interests of visual amenity

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 15169/03/1 - Dated 01/03/16 which was prepared by REFA. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 9 l/s. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

6. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or,

management and maintenance by a Resident's Management Company; and

b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

7. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality.

8. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current arboricultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

9. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the identification of the site access for construction traffic,
- b. the timing of the provision, and standard of construction, of the site access for construction traffic,
- c. times of construction activity at the site,
- d. times and routes of deliveries to the site,
- e. the parking of vehicles of site operatives and visitors,
- f. loading and unloading of plant and materials,
- g. storage of plant and materials used in constructing the development,
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- i. wheel washing facilities, including details of how, when and where the facilities are to be used'
- j. measures to control the emission of dust and dirt during construction,
- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
- l. a scheme for recycling/disposing of waste resulting from demolition and construction works,

Reason: To ensure that the disturbance caused during the implementation of the permission is minimised so as to preserve the amenity of surrounding residents and minimise risks to highway safety.

10. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 29 January 2016, including the following plans:

- Location plan 15087 LP-01 DH
- Proposed site layout 15087 01 DH C
- Boundary treatment details 15087 05slr
- Bin/cycle store details 15087 04 dh/slr
- Apartment floor plans and elevations 15087 02 DH C

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

11. The windows shown hatched on the apartment floor plan and elevation approved plan 15087 02 DH C shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0239	Address Land east of Sefton Road, Lytham St Annes	Grid Ref. E.3326 : N.4291	Scale 0 6 12 18 24 m

Item Number: 10

Committee Date: 29 June 2016

Application Reference:	16/0243	Type of Application:	Variation of Condition
Applicant:	St Annes Beach Huts Ltd	Agent :	
Location:	SHOW BEACH HUT ADJACENT MINI GOLF, SOUTH PROMENADE, LYTHAM ST ANNES		
Proposal:	VARIATION OF CONDITION 2 OF PLANNING PERMISSION 12/0725 TO ALLOW DAYTIME RECREATIONAL USE OF SHOW BEACH HUT, AND REMOVAL OF CONDITION 3 TO ALLOW PERMANENT SITING OF SHOW BEACH HUT.		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7456846,-3.0304824,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks removal of two conditions imposed under application 12/0725 relating to the siting of a single beach hut on a raised bed set within the promenade close to Salter's Wharf public house. The beach hut has permission for a temporary period of 5 years and its use as a 'show hut' only.

The removal of the conditions proposed is to allow for the permanent siting of the hut in this location, and its use for hire/sale rather than just as a show hut. It is considered that the retention of the hut and the proposed use are appropriate for its seaside location and will provide an additional tourist facility to the area. As such the proposal is in compliance with the relevant policies of the local plan and the aims of the NPPF which promotes sustainable development. Accordingly the application is recommended for approval by Members.

Reason for Reporting to Committee

The application is on the agenda as the hut is on council owned land and the officer recommendation is in conflict with the views of the Town Council. As such the application is to be determined by Members.

Site Description and Location

The application site is a roughly triangular shaped area of land on the promenade, close to Salters Wharf and the miniature golf course. The site is bounded by a low stone wall enclosing a raised, 'astro turfed' bed on which a single beach hut is sited. The hut measures 3.2 metres in width by 5.0

metres in overall length with a further 1.5 metres open decked area. The hut has been located on the site for the purposes as a 'show hut' to demonstrate the presence and facilities available of a series of other huts which are available for sale or hire and located on the promenade to the front of the golf course and the engine shed.

The site is within a sea front area and partially within public open space area as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the removal of conditions 2 and 3 from planning permission 12/0725, which is the original permission which allowed the siting of the hut in this location.

Condition no. 2 required that *"the beach hut hereby approved shall be used for demonstration/sales purposes only and not for any other commercial purposes whatsoever."*

Condition no.3 was a temporary permission which required *"the beach hut and associated landscaped area hereby authorised shall be removed from the site at the end of a period five years from the date of this planning permission, and the site reinstated to its previous condition to the satisfaction of the Local Planning Authority unless a renewal of permission is obtained"*. This temporary permission expires on 15 April 2018.

Relevant Planning History

Application No.	Development	Decision	Date
16/0237	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 14/294 FOR LAYOUT	Granted	29/04/2016
14/0294	PROPOSED SITING OF 30 NEW BEACH HUTS	Granted	07/07/2014
12/0725	CHANGE OF USE OF AREA OF PROMENADE TO SITING OF BEACH HUT FOR SALES PURPOSE (RETROSPECTIVE)	Granted	15/04/2013
11/0495	SITING OF 15 NO. BEACH HUTS ON PROMENADE	Granted	16/03/2012

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 03 May 2016 and object as follows:

"The conditions stipulate removal after 3 years and site reinstated unless renewal is obtained so that FBC retains full control of development / safeguarding public open space. The previous conditions state that renewal is required."

Statutory Consultees and Observations of Other Interested Parties

Councillor Nash - supports the application.

Neighbour Observations

Neighbours notified: 03 May 2016
Site Notice Date: 09 May 2016
No. Of Responses Received: None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TREC08	Tourism Development on the Seafront
TREC13	Safeguarding of Public Open Space
EMP3	Business & industrial uses outside defined area
EP02	Protected open spaces within towns & villages
EP10	Protection of important landscape and habitat features

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Background

This particular beach hut was installed on the promenade on this site in July 2012 and retrospective permission sought later that year. Members granted permission for the siting and use of the hut for display and demonstration purposes for a temporary 5 year period, which is due to expire in April 2018. A series of 30 other huts are located in a row further along the Promenade and are subject to a separate planning permission.

Policies

Policies SP1, TREC8, TREC13, EMP3 and EP2 of the Fylde Borough Local Plan, as altered (October 2005) are relevant to the determination of this application together with the aims and guidance of the National Planning Policy Framework (NPPF).

Policy SP1 directs development to settlement areas. As this site is within one of the main settlements in the borough this policy is satisfied.

Policy TREC8 permits the development of new tourist and leisure facilities providing that these are appropriate for a seafront location, respect the character of the area and do not prejudice the visual and other amenities of the seafront and nearby residential properties.

Policies EP2 and TREC13 refer to development in areas of open space and seeks to protect these areas.

Policy EMP3 refers to industrial and business development outside of designated areas.

Policy EP10 refers to the protection of important habitats in terms of coastal landscapes.

Current application

This beach hut has remained in situ since its initial siting in July 2012 and the applicant is now seeking its permanent retention in this location for general hire to the public. He has advised that the beach huts have proven to be very popular and has received several enquiries in regards to the hire of this particular hut.

Principle

Policy TREC8 permits the development of new tourist and leisure facilities providing that these are appropriate for a seafront location, respect the character of the area and do not prejudice the visual and other amenities of the seafront and nearby residential properties.

The beach huts, individually, are small scale and have become an established feature on the promenade. They are considered to be appropriate development for a seaside tourist location and the removal of the temporary permission and its use for general hire/sale will be in line with the conditions of the main group of huts and increase the overall total number of beach huts on the promenade to 46.

It is considered that the proposal further enhances tourist facilities on the promenade without significant compromise of public open space or the visual amenity of the area. It makes no impact on the availability of the Promenade for other recreational purposes.

Neighbours

The hut is sited in a tourist area close to Salter's Wharf public house. The area receives many visitors on a daily basis any increase in this activity as a result of the daily use of this hut would not result in any detriment to the amenity of residential neighbours which are 185m away on the opposite side of South Promenade.

Car Parking and Transport

No specific designated car parking spaces are to be provided for any users of the beach hut on the promenade. However, car parking is available at 'Pleasure Island', Beach Terrace car park and along South Promenade. Alternatively there is a bus stop on South Promenade and the train station is approximately 20 minutes' walk away. It is not considered that the retention of this hut and its use for recreational purposes will have any highway safety or congestion implications.

Conclusions

The proposal will not result in any significant loss of recreational area the retention of the hut provides a focus of interest along the sea front. The use will allow a small expansion of the applicant's hire business and so the positive contribution it provides to the seafront area without prejudicing the visual amenity of the area or that of any residential areas.

There are other conditions to the original planning permission that restrict its use to prevent overnight stays and commercial uses, and these are to be re-imposed as they remain relevant.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The beach hut hereby approved shall be used for daytime recreational use only and they shall at no time be occupied overnight or used for any other commercial purpose.

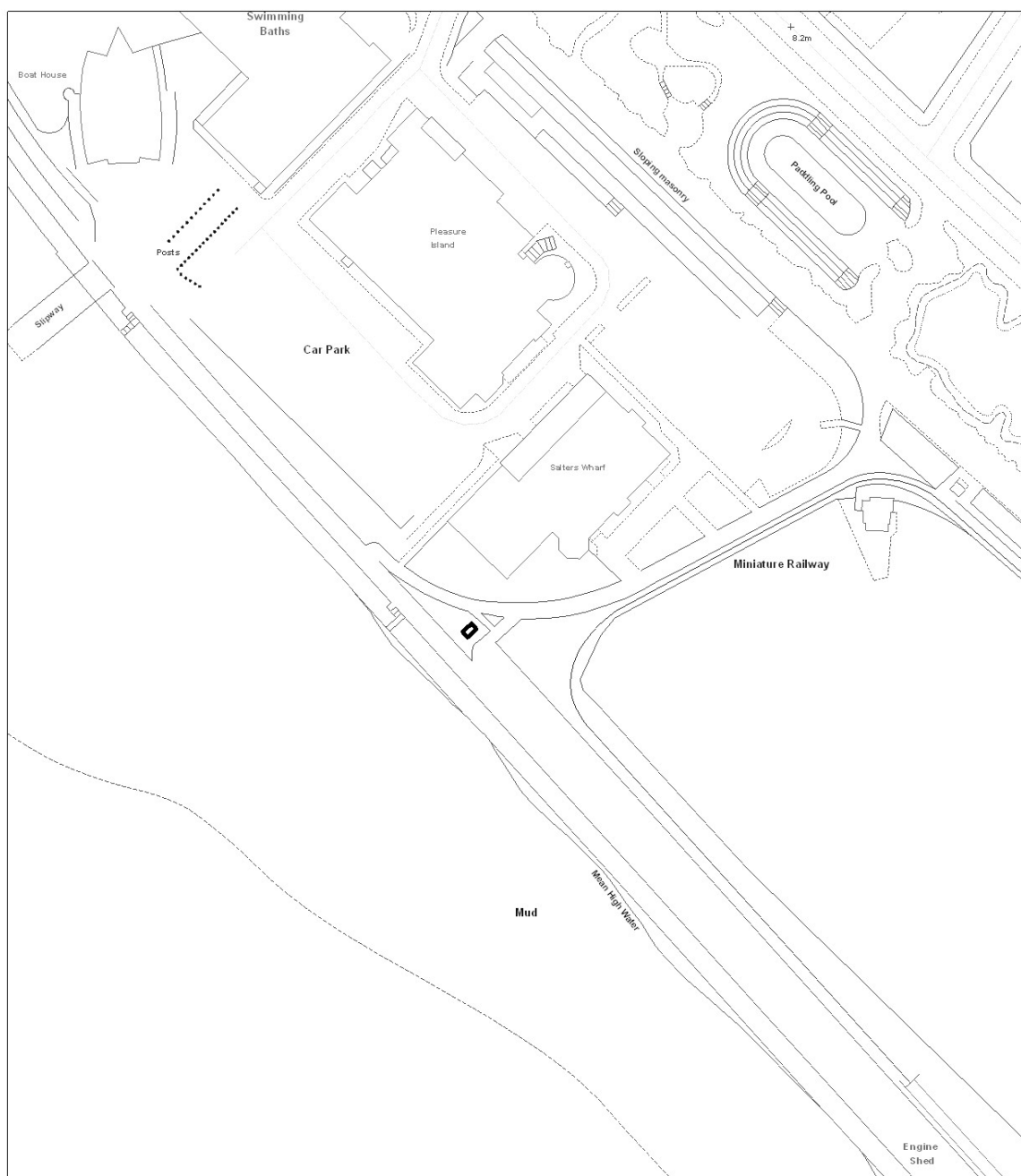
Use of the beach hut for any other purposes than recreational uses, would be contrary to the provisions of the Fylde Borough Local Plan, as altered (October 2005) and would require separate consideration.

2. No fences, walls or other means of enclosures shall be erected under any circumstances, without prior consent of the Local Planning Authority.

To retain the open aspect of the site and to avoid a cluttered appearance which would be detrimental to the visual amenity of the area.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 as amended [or any other legislation that subsequently amends or replaces that Order], there shall be no alterations to the external appearance of the beach hut hereby approved without the prior written consent of the local planning authority.

In order to ensure the proposed beach huts are of a harmonious appearance.



Development Services Fylde Borough Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/12/0725	Address Show Beach Hut adjacent Mini Golf, South Promenade, Lytham St Annes	Grid Ref. E.3320 : N.4282	Scale 0 6 12 18 24 m

Item Number: 11

Committee Date: 29 June 2016

Application Reference:	16/0250	Type of Application:	Full Planning Permission
Applicant:	Mr JP Carter, Mrs J Callon	Agent :	Mr Kevin Callon
Location:	LAND AT KIRKHAM ROAD NORTH OF STRIKE FARM, KIRKHAM ROAD, FRECKLETON, PRESTON, PR4 1HR		
Proposal:	CREATION OF NEW VEHICULAR ACCESS TO FIELD OFF KIRKHAM ROAD.		
Parish:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Phil Mather
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.760958,-2.8695946,343m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to an agricultural field that lies adjacent to the eastern side of Kirkham Road close to the edge of the settlement of Freckleton. The proposal is to form a new vehicular access to this field to serve the agricultural needs of the landowner given that the previous access is no longer available following the erection of a small development of residential properties at Strike Farm.

The formation of an access from Kirkham Road is not considered to be an inappropriate form of development at this green belt location and will not have any adverse impact on its openness so complies with Policy SP3 of the Local Plan. Whilst Kirkham Road is a classified road the use of an additional field access for agricultural traffic in this rural area would not have an adverse impact on highway safety or residential amenity and the application is therefore recommended for approval.

Reason for Reporting to Committee

The Parish Council have raised objection to the application and as the officer recommendation is for approval it is necessary for the application to be determined at Committee.

Site Description and Location

This application relates to an agricultural field that lies adjacent to the eastern side of Kirkham Road and to the north of No's 1 and 3 Strike Lane. The land in question was formerly associated with, and accessed from, Strike Farm which has since been demolished to enable residential development of 7 dwellings approved under planning permission ref. 14/0825.

The site is within the green belt. There are a series of residential properties on the eastern side of Kirkham Road which face the field that the access serves and more sporadic properties on the eastern side.

Details of Proposal

Planning permission is sought for the formation of a new field access gate into the field to allow agricultural traffic to gain access directly from Kirkham Road. The application states that the field was formerly accessed via Strike Farm and that access is no longer available via this route due to the residential development and a new access is therefore required to enable the continued agricultural use of the field.

The proposed access would be located approximately midway along the Kirkham Road boundary and would consist of the removal of a short width of boundary hedge and installation of a simple 5-bar galvanised steel field gate measuring 4.2 metres in width and 1.15 metres in height.

Relevant Planning History

Application No.	Development	Decision	Date
14/0825	PROPOSED ERECTION OF 7 NO. DWELLINGS FOLLOWING DEMOLITION OF EXISTING FARM HOUSE AND RELATED OUTBUILDINGS	Granted	03/03/2015
14/0688	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF SCALE, APPEARANCE AND LANDSCAPING FOR ERECTION OF 6 DETACHED DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 10/0778.	Granted	08/12/2014
13/0434	APPLICATION TO DISCHARGE THE PLANNING OBLIGATION ASSOCIATED WITH PAYMENT OF COMMUTED SUM PAYMENTS IN LIEU OF ON SITE PROVISION OF AFFORDABLE HOUSING AND PUBLIC OPEN SPACE RELATED TO PLANNING PERMISSION 10/0778 WHICH RELATES TO THE ERECTION NO 6 DETACHED DWELLINGS	Granted	19/03/2014
10/0778	OUTLINE APPLICATION FOR ERECTION NO 6 DETACHED DWELLINGS IN ADDITION TO EXISTING FARMHOUSE (LAYOUT AND ACCESS APPLIED FOR) FOLLOWING DEMOLITION OF EXISTING FARM BUILDINGS	Approved with 106 Agreement	04/10/2011

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 08 April 2016 and comment:

“The Parish Council are against the application as they believe it to be unsafe as the road is very busy

and is in close proximity to a school. Many cars park along this area at school start and finish times.”

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

No objections

Ministry of Defence - Safeguarding

No comments received at the time of writing

Regeneration Team (Trees)

“The hedge is not species-diverse and lacks the features that might activate special consideration under the Hedgerow Regulations 1997. It is however an attractive and well-managed stretch that is well suited to what is a semi-rural area.

I see no objection to the removal of a small section to admit a new field entrance but would not wish to see longer sections removed if, for example, visibility splays demanded this.”

Lancashire County Council - Highway Authority

No objections.

They confirm that they have considered the current speeds and traffic conditions and that a proposed change to the speed limits has also been taken into consideration and does not change their views.

Neighbour Observations

Neighbours notified: 08 April 2016

Site Notice Date: 21 April 2016

No. Of Responses Received: 8

Nature of comments made: All letters make objection to the application and the points raised are summarised as:

- See no need for an additional entrance.
- The field already has an access via Strike Lane.
- Traffic is already excessive on this stretch of road and there is a school nearby.
- The access would be detrimental to highway safety.
- Concerned this is just part of a plan to develop the field for housing.
- There was no mention of a need for a new access in the housing permission at Strike Farm.
- Strike Farm no longer a working farm.
- Has the change in speed limit to 40mph been accounted for?

Relevant Planning Policy

Fylde Borough Local Plan:

SP03 Development in green belt

Other Relevant Policy:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Site Constraints

Within Green Belt
Tree Preservation Order

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The principle issues to consider are whether the proposed access accords with the aims of Policy SP3 of the Fylde Borough Local Plan and the potential impacts on highway safety.

Highway Safety

In terms of justification the application states that previous access to the field was provided via Strike Farm, which has since been demolished to allow the residential development approved under planning permission ref. 14/0825. The proposed access is intended to replace that former access and allow the continued agricultural use of the field. It is noted that the agricultural land adjoining the application site to the north east is under the control of the applicant, that an access exists in their shared boundary, and that access to this other agricultural land is available from Strike Lane which could negate the need for an access from Kirkham Road. However it is also noted that Strike Lane is a narrow road that serves several residential properties and Strike Lane Primary School. With this in mind the use of the Strike Lane access could cause potential conflict between agricultural traffic and traffic associated with the residential use and the primary school, and also potentially with pupils of the school at the start/end of the school day.

The access is designed without any visibility splays and so is only really suited to use by agricultural vehicles which are typically larger and so allow visibility over the hedges. It is noted that LCC Highways have raised no objection to this arrangement in respect of the current 30mph limit, and have confirmed that a proposed change in the speed limit for Kirkham Road to 40mph would not affect their view with regards to the acceptability of this proposal in highway terms. On this basis it is officer opinion that an objection on highway safety grounds could not be supported.

Visual Impact

Policy SP3 permits limited development that preserves the openness of the greenbelt and does not conflict with the purposes of including land within it. The proposed development would be typical of field access gates found throughout the borough for the purposes of agriculture, and would not adversely affect the appearance or openness of the Green Belt. The proposal therefore complies with Policy SP3.

Other Matters

A number of objections have been received raising objections to the proposal on a variety of grounds including highway safety, traffic, the need for the development and that it is the start of a longer term plan to develop the field for housing.

As set out above LCC Highways have not raised any objections or concerns on highway safety or capacity grounds. The nature of the traffic associated with the field access would be both occasional and very low in volume. The applicant has confirmed that the field is used for hay/silage production,

and is only harvested once or twice a year, meaning that for the majority of the year there would be no traffic at all associated with the development. It is therefore considered that the development would not adversely affect residential amenity by way of traffic.

In terms of the need for the access, the applicant's justification is set out above, and whilst other means of access may be possible, for the reasons set out above it is considered that a refusal on these grounds would not be sustainable. With regards to the access facilitating future housing development, it should be noted that the application is for an agricultural access gate, not the creation of a surfaced access, and the infrequent use of a field access for agricultural purposes would not set a precedent with regards to access for residential development on the site.

It should also be noted that the field remains in the Green Belt and in the event that any application for housing development on the site was submitted, it would need to be assessed on its own merits and with regard to the planning policy in place at that time.

Conclusions

The proposed field access from Kirkham Road is not considered to be an inappropriate form of development at this green belt location, and complies with Policy SP3 of the Local Plan. The development would not have an adverse impact on highway safety or residential amenity and is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and supporting documents:

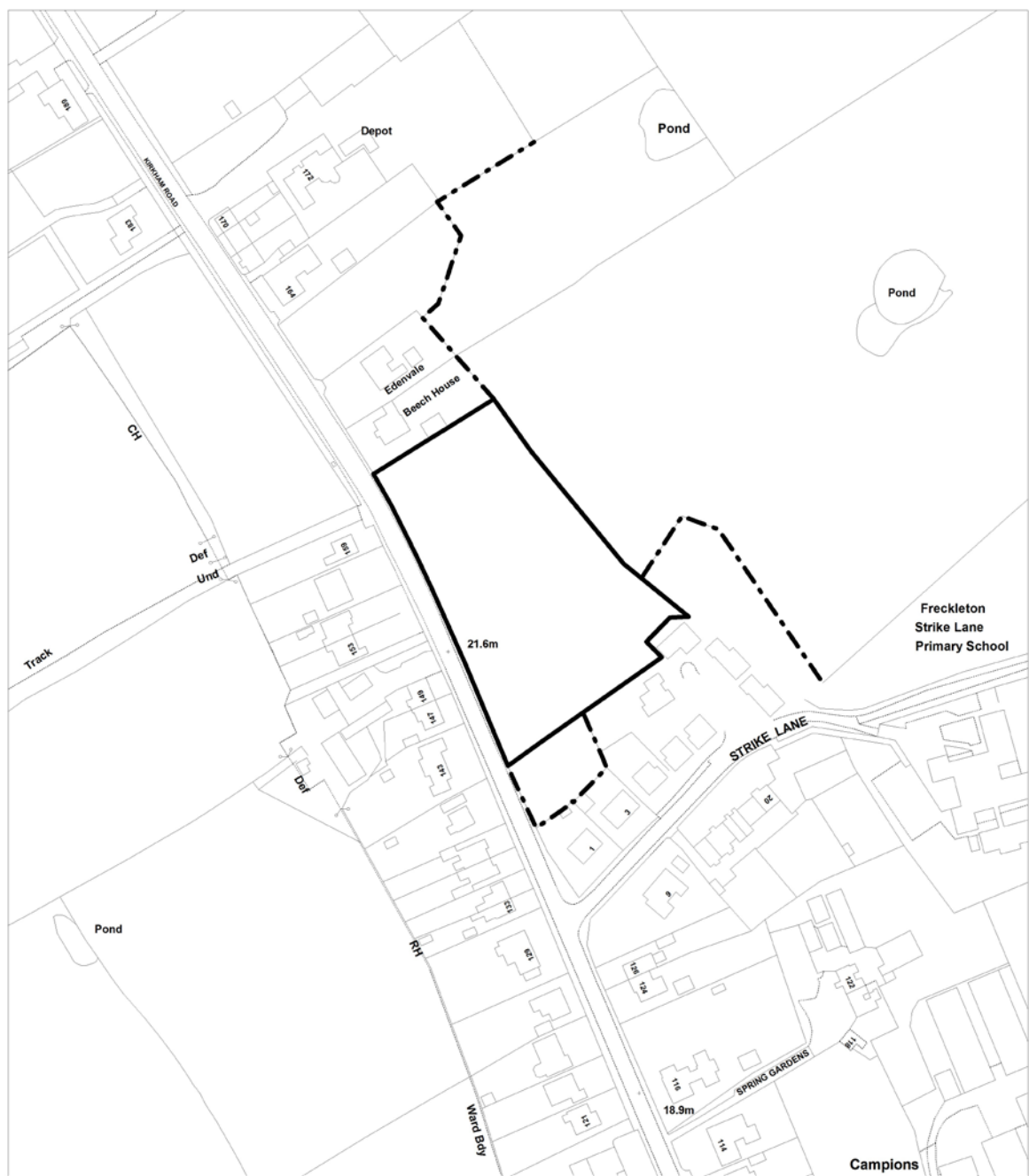
- Proposed gate elevation
- Location Plan - Land on the north-east side of Kirkham Road at scale 1:1250
- Site Plan at scale 1:500
- Letter to planning department from JP Carter and Mrs J Callon, dated 29 February 2016

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and supporting documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

3. The length of hedgerow removed to facilitate the installation of the approved access shall be no greater than 6 metres.

In the interests of preserving the contribution provided by the mature hedgerow to the visual amenity and character of this rural green belt location



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0250	Address Land at Kirkham Road, North of Strike Farm, Freckleton	Grid Ref. E.3427 : N.4297	Scale 0 10 20 30 40 m

Item Number: 12

Committee Date: 29 June 2016

Application Reference:	16/0345	Type of Application:	Full Planning Permission
Applicant:	Mr Paul Ratcliffe	Agent :	
Location:	LONGVIEW, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EB		
Proposal:	RETROSPECTIVE APPLICATION FOR SITING OF MOBILE HOME TO BE USED FOR STAFF REST ROOM		
Parish:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	7	Case Officer:	Rob Clewes
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7741991,-2.9969519,343m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the siting of a static caravan on a site at Longview which was formerly the site of the RSCPA facility on Division Lane in St Annes. As such the proposed static caravan is located in an area designated as Green Belt, and whilst the development does not fall within the uses/development considered appropriate within the Green Belt as it is located on a well-established kennels site where there have been previous temporary consents for static caravans associated with its former use. The current proposal is associated with a variation of that use, but has a similarly limited impact on the open character of the green belt and is considered to be acceptable.

The site of the caravan is well screened from prominent public view by mature trees and bushes and therefore the caravan will not have a detrimental impact on the visual amenity of the area. Due to its distance from neighbouring properties there will be no impact to residential amenity.

The proposal is considered to comply with the NPPF and Policy SP3 of the Fylde Borough Local Plan and recommended for approval subject to conditions, including one to ensure it is removed after 3 years.

Reason for Reporting to Committee

This application has been brought before the Committee as the officer recommendation for approval conflicts with the objection raised by the Town Council.

Site Description and Location

The application site is the ex-RSPCA kennels complex (now known as Longview Boarding Kennels) on the southern side of Division Lane and to the south of the residential property Longview. The site comprises of several building to house animals and to the north of these building there is a static caravan, which is the subject of this application. The site is located in an area designated as Green belt as defined by the Fylde Borough Local Plan. The site is set back from Division Lane with an access track to the site. Along this track there is well establish vegetation as well as along the boundary with Division Lane. The general character of Division Lane has evolved from its horticultural beginnings to feature a series of large detached residential properties along the southern side whilst retaining a more horticultural feel to the north and the eastern end around this particular site.

Details of Proposal

The proposal is a retrospective application for the retention of the existing static caravan to be used as staff accommodation in connection with the Kennels business. The caravan is sited to the front of the main kennels building and is of a typical static caravan scale and design.

The application explains that the caravan is to be used for staff accommodation and as a rest room as required by the licence granted for the operation of the kennels.

Relevant Planning History

Application No.	Development	Decision	Date
15/0278	PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, ALTERATIONS TO EXISTING FRONT ELEVATION, PORCH TO FRONT AND INSTALLATION OF BALUSTRADE TO REAR.	Granted	22/06/2015
15/0107	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS RESIDENTIAL CURTILAGE FOR THE PROPERTY KNOWN AS "LONGVIEW".	Approve Certificate	10/04/2015
03/0210	RENEWAL OF APP. NO. 00/61 FOR SITING OF MOBILE HOME FOR WARDEN	Granted	28/04/2003
00/0061	RENEWAL OF TEMPORARY CONSENT 5/94/811 FOR SITING OF MOBILE HOME FOR WARDEN	Granted	22/03/2000
99/0123	ERECTION OF TEMPORARY PORTAKABIN FOR USE AS OFFICE	Granted	21/04/1999
97/0293	ERECTION OF A CANOPY OVER EXISTING DOG PENS	Granted	18/06/1997
94/0811	CONTINUATION OF TEMPORARY PERMISSION 5/92/830 SITING OF A MOBILE WARDEN'S HOME	Granted	01/02/1995
92/0830	SITING OF ONE TEMPORARY MOBILE HOME (PRIOR TO CONSTRUCTION OF WARDENS DWELLING)	Granted	21/12/1992
92/0589	ERECT SINGLE STOREY BUILDING TO FORM CATTERY	Granted	07/10/1992
91/0463	EXTENSION TO FORM PET SHOP, 24 KENNELS, STORE AND UTILITY, ERECTION OF BUNGALOW FOR WARDEN AND FORM 5 CAR PARKING SPACES	Granted	24/07/1992

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 18 May 2016 and comment:

Object - Temporary permission was granted for Wardens dwelling for 2 years (92/0830) continued temporary permission granted for 5 years (94/0811) on the condition not to be approved for permanent development and to be removed after the 5-year period.

Statutory Consultees and Observations of Other Interested Parties

Blackpool Borough Council

Comments - No comments received

Neighbour Observations

Neighbours notified: 18 May 2016
Amended plans notified: N/A
Site Notice Date: 23 May 2016
Press Notice Date: N/A
No. Of Responses Received: 1 letter received
Nature of comments made:

Caravan was given temporary consent in connection with non-profit RSPCA
Caravan was meant to be removed if RSPCA stopped operating on the site

Relevant Planning Policy

Fylde Borough Local Plan:

SP03 Development in green belt

Other Relevant Policy:

NPPF: National Planning Policy Framework
NPPG: National Planning Practice Guidance

Site Constraints

Within Green Belt

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues regarding this application are:

Principle of the development
Impact to the character of the Green Belt
Impact to neighbouring amenity

Principle of the development

The application site is located within the Green Belt as defined by the adopted Fylde Borough Local Plan therefore Policy SP3 applies. Policy SP3 seeks to restrict development in the Green Belt to that which is considered appropriate. In this case the use of the site is well established as a location for the care of animals from its previous RSPCA use, and although the siting of a static caravan would not fall within the defined appropriate uses/development set out in policy SP3 it is nevertheless considered acceptable when taking into account the previous temporary consents that have been granted for similar historical applications. It is understood that the caravan is required as part of the license agreement for the operation of the site necessitates a 24 hour presence on site and there is no other such facility available.

The caravan is not used as a permanent unit of accommodation (i.e. a single dwelling) and the use is the same that has been previously allowed on a temporary basis. Green Belt policy both locally and nationally has not changed to a point that would mean that an application for a similar development should be viewed materially different than before. However to ensure that the council has adequate control over development within the site, the continued use of the static caravan should only be granted on a temporary basis, like the previous applications. This can therefore be controlled by condition and it is considered that a 3 year consent is appropriate with the condition requiring removal of the caravan after said time period has elapsed.

Impact to the character of the area

Policy SP3 seeks to ensure that development within the Green Belt does not harm the visual amenity and openness of the area. The proposal is situated within a well-established kennels complex and is set back from the Division Lane frontage. The presence of the mature trees and bushes along the access road and Division Lane effectively soften views of the caravan and ensure that there is no detrimental harm to the character and openness of the Green Belt. The mature vegetation screens the site well from areas where the public have access and due to the low height of the caravan it does not appear as a dominant feature within the site.

Impact to neighbouring amenity

The nearest residential property to the caravan is Longview, which is to the north. The separation distance and orientation between Longview and the caravan means that there will be no impact to residential amenity.

Conclusions

The application relates to the siting of a static caravan on a site at Longview which was formerly the site of the RSCPA facility on Division Lane in St Annes. As such the proposed static caravan is located in an area designated as Green Belt, and whilst the development does not fall within the uses/development considered appropriate within the Green Belt as it is located on a well-established kennels site where there have been previous temporary consents for static caravans associated with its former use. The current proposal is associated with a variation of that use, but has a similarly limited impact on the open character of the green belt and is considered to be acceptable.

The site of the caravan is well screened from prominent public view by mature trees and bushes and therefore the caravan will not have a detrimental impact on the visual amenity of the area. Due to its distance from neighbouring properties there will be no impact to residential amenity.

The proposal is considered to comply with the NPPF and Policy SP3 of the Fylde Borough Local Plan and recommended for approval subject to conditions, including one to ensure it is removed after 3 years.

Recommendation

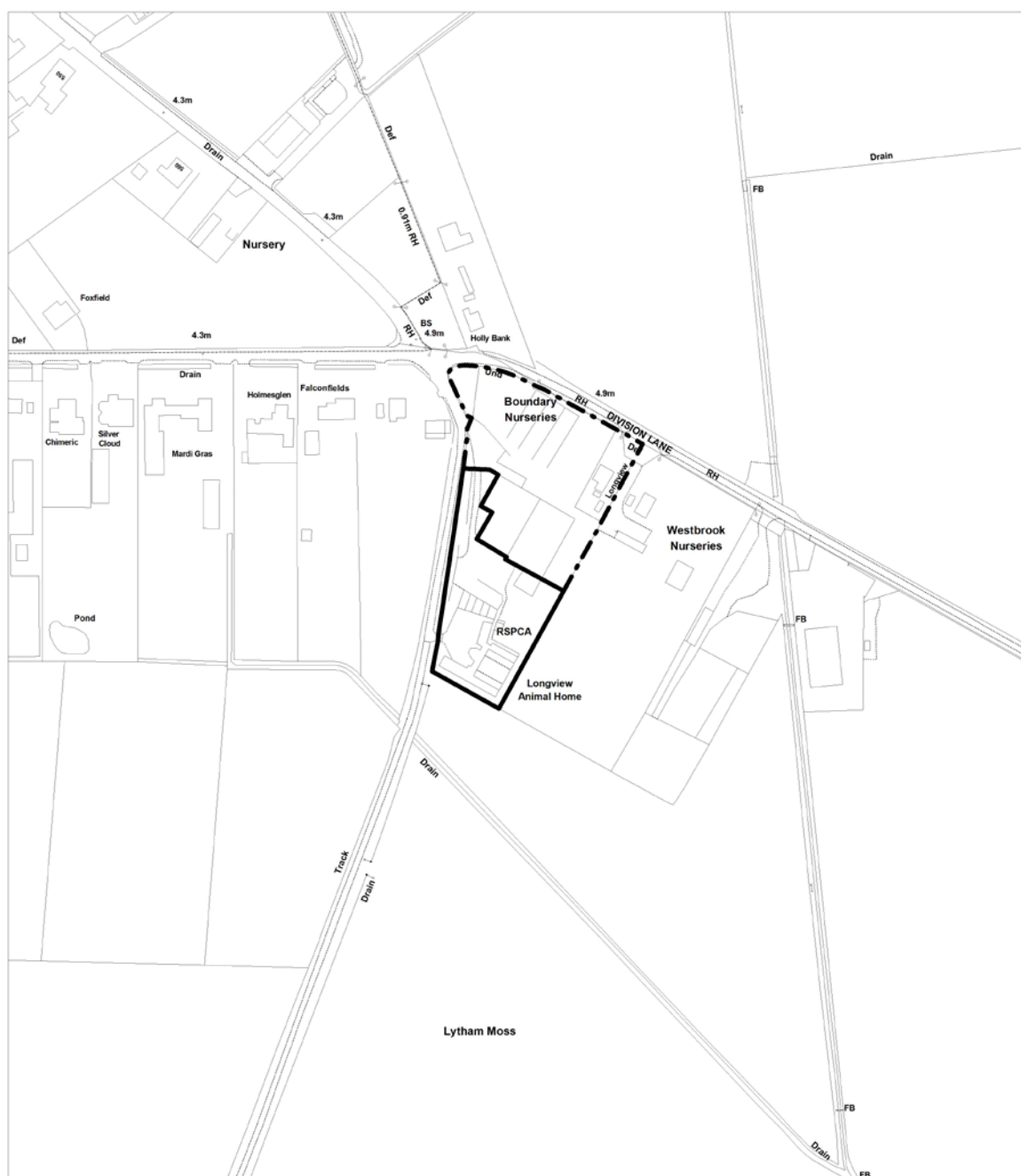
That Planning Permission be GRANTED subject to the following conditions:

1. The static caravan hereby approved shall only be occupied as staff accommodation associated with the operation of the kennel facility on the adjacent land, and shall not be used as a unit of residential accommodation.

To ensure compliance with Policy SP3 which restricts inappropriate development in the green belt.

2. The mobile home authorised by this permission shall be removed at the end of a period of three years from the date of this permission, or sooner in the event that the adjacent site shall cease to trade as kennels. Following the end of this period there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority.

To enable the Local Planning Authority to retain full control over the open character of the green belt as required by Policy SP3 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0345	Address Longview, Division Lane, Lytham St Annes	Grid Ref. E.3344 : N.4312	Scale 0 10 20 30 40 m

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	29 JUNE 2016	5

LIST OF APPEALS DECIDED

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The following appeal decision letters were received between 12/5/2016 and 17/6/2016.

SOURCE OF INFORMATION

Development Services

INFORMATION

[List of Appeals Decided](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 12/05/2016 and 17/06/2016. Copies of the decision letters are attached.

Rec No: 1

16 December 2015 15/0593

FYLDE TROUT FISHERY, BACK LANE, WEETON WITH
PREESE
CHANGE OF USE OF LAND AND EXISTING POD
ACCOMMODATION FOR CAMPING USE, WITH USE OF
FACILITIES BUILDING, CAR PARK AND OTHER
ANCILLARY ELEMENTS TO SUPPORT THAT USE -
RETROSPECTIVE APPLICATION.

Written
Representations
RT

Appeal Decision: Dismiss: 12 May 2016

Rec No: 2

26 February 2016 14/0233

PIPERS HEIGHT CARAVAN PARK, PEEL ROAD, WESTBY
WITH PLUMPTONS, BLACKPOOL, FY4 5JT
CHANGE OF USE OF LAND TO EXTEND PIPERS HEIGHT
CARAVAN PARK TO ALLOW SITING OF ADDITIONAL 74
RESIDENTIAL PARK HOMES WITH ASSOCIATED ACCESS
AND LANDSCAPING WORKS

Written
Representations
AS

Appeal Decision: Dismiss: 12 May 2016

Appeal Decision

Site visit made on 5 April 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2016

Appeal Ref: APP/M2325/W/15/3140295

Fylde Trout Fishery, Back Lane, Weeton with Preese, Lancashire PR4 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Young against the decision of Fylde Borough Council.
 - The application Ref 15/0593, dated 26 August 2015, was refused by notice dated 4 November 2015.
 - The development proposed is the use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the fishery; the general use of the facilities building, for use associated with the camping and fishery uses, along with ancillary facilities.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would support the principles of sustainable development; the effect on the users of this countryside location and the effect on the living conditions of residents of properties at Kirby's Farm with regard to noise and disturbance.

Procedural Matters and Background

3. The description of the development set out in the header above, relates to the description included on the application form. Subsequently, the parties agreed to the description being altered to: Change of use of land and existing pod accommodation for camping use, with use of facilities building, car park and other ancillary elements to support that use.
 4. The site was granted permission for use as a leisure fishing lake in 1993. In 2010, permission was granted for a facilities building, an overflow carpark and a water treatment works. A condition relating to the facilities building limited its use to being incidental to the fishing lake. Permission was granted in 2012 for the change of use of land for the siting of 25 units of mobile 'pod' accommodation along with a cooking area, for use associated with the fishery.
 5. In addition to the planning history referred to above, in 2014 two appeals were dismissed. These related to temporary site accommodation and two holiday lodges. It was found that there was no essential need for accommodation for a
-

- manager. It was also concluded that the proposed additional development would result in harm to the character and appearance of the area.
6. The appellant has made reference to the 2012 permission. It is suggested that as the permission did not limit the occupation of the pods to fishery users by means of a condition, there has been no breach of condition involved in their use for general holiday purposes and no material change of use. The appellant accepts that the facilities building is limited to uses incidental to the fishery. The Council have described that the lawful use of the site is for lake fishing and the other accommodation around it, such as the facilities building, pods and car parking, were permitted to support those fishing at the site.
 7. The onus is on the appellant to demonstrate lawfulness. It would appear that even if the use of the pods for unrestricted holiday use was lawful, as suggested by the appellant, the users would not be entitled to use the other facilities on the site, including the toilets and showers which are within the facilities building. I have not been provided with a certificate to establish that an alternative use of the pods to that described within the original permission is lawful. It is not the purpose of this appeal to make a formal determination with regard to the lawful use of the camping pods and in the absence of any decisive evidence and as I am not persuaded that an unrestricted use of the pods would be sustainable without the use of the supporting facilities, I have based my comparisons between the initial and proposed uses on the detail of the permissions within the planning history.
 8. The plans relating to the 2012 application provided a red line indicating the extent of the area to be used for and in association with the pods. The current layout includes pods beyond that red line to the west and north. They cover a larger area and the red lines of the two applications do not correspond. The parking overflow has not been carried out in accordance with the 2010 plans and a large area of parking now exists alongside the access track. A building has been erected and is described by the Council as an office and toilet. Additional temporary toilets were also on the site during my visit. A footpath has been created around the lake, beyond the areas used for fishing. I have nothing to indicate that there has been any formal agreement to any variations to the original plans and permissions.
 9. Given the discrepancies on the ground, it would appear that this proposal goes significantly beyond the agreed description, if it is seeking to regularise the existing layout, which involves a greater area for the positioning of pods and an entirely different parking layout. The pods and the parking fall within the revised red line but are not defined on the submitted plans. The new office building, mobile toilets and the new footpath are in place but are not referred to by the appellant. I am not clear whether it is intended that they form part of the proposal.
 10. I am not satisfied that the plans or the information put forward in support of the proposal, forms a satisfactory basis for an application, not least because any permission would effectively supersede the previous planning history without providing revised plans and details. As it is not clear from the application that the proposal seeks to significantly alter the original permissions and may also be seeking to regularise other development, I am not satisfied

that all interested parties have had the opportunity to consider what is being proposed.

11. Whilst I am not satisfied that the submission represents a satisfactory basis for a positive decision with regard to the new elements, or indeed the extended area of pods and the revised car park, I have considered the appeal on the basis of the proposed red line, the position of the pods on the ground and the revised car parking arrangements. It would be inappropriate to formally consider the other elements as part of this proposal although I have had regard to them.
12. It is not in dispute that the pods have been used for general holiday activity and events un-associated with the fishery. The facilities building has also been used to support other uses. Reference has been made to the use of the site for tents, in addition to the pods. No clarification has been provided by the appellant in this regard although I note that no objection has been made to the condition suggested by the Council which would prevent any other camping, other than in the pods.
13. As the site has been operated beyond the original controls imposed, there is evidence from the nearby residents, from users of the neighbouring caravan site and from the Council's Environmental Protection Officer, as to its impact. Although I note the differing uses that have taken place and the alterations with regard to marketing, I find this evidence to be extremely important and I have found nothing to suggest that it is anything other than an accurate representation of the historic situation.
14. The Environmental Protection Officer's memorandum describes that a noise abatement notice was served on the site in 2014 as a result of excessive noise from amplified music. There were eight 'events' at the property in 2015, although a number of others cancelled due to the licensing restrictions put in place. From August 2014 to September 2015, there was a total of eight separate complaints regarding noise from loud music and ten complaints of noise from behavioural activity (shouting, screaming etc.). The officer advises that the owner has agreed not to have any more similar events.
15. The memorandum goes on to describe that during 2014 and 2015 complaints were received from both the residents and the occupants of caravans on the neighbouring site. The earlier complaints related to noise from music but in 2015, they related to generic noise from guests camping at the site, specifically children playing (shouting, screaming and singing) and adults singing around camp fires and laughing and shouting late at night. During a corporate event, noise from the cheering and shouting of competing teams was reported.
16. The appellant accepts that some problems arose from the use of the site for events but to overcome these concerns the business model has been revised to concentrate on general camping. It is suggested that such events can be controlled through the licensing system.

Reasons

17. The site lies within an area of open countryside which is used predominantly for agriculture but also includes a number of caravan sites and other fisheries. Immediately to the south of the red line area is open land within the

boundaries of the fishery. This adjoins Little Orchard Caravan Site. The caravan site has three formal areas for caravans and a separate caravan field. It also has an area for tents. The boundary with the appeal property has been consolidated by the recent planting of a hedge. The buildings associated with Kirby's Farm are adjacent to the caravan site and include permanent residential accommodation and holiday cottages.

18. The area of the pods lies to the south of the lake and is separated from it by an access track. The southern boundary of the red line of the application site, which contains the pods, is shown by the Council to be in the region of 110 metres from the nearest boundary with the caravan site. The residential properties are further to the south-east.
19. The proposal would allow for the pods and the facilities building to be used for general holiday use rather than just by those utilising the fishing lake. The appellant suggests that there is no difference between the use of the pods for general camping compared to their use by those using the fishery. The scale and intensity of the use would remain the same and therefore make no meaningful difference in terms of the potential to generate noise and disturbance.
20. The appellant goes on to suggest that the site is well screened and located an appropriate distance from any residential receptors. A condition to ensure that there is appropriate landscaping between the site boundary and the adjacent caravan site would be accepted. It is contended that the site is well managed and operates in a manner appropriate to the rural location. This is supported by it being listed as a finalist in the 2014 Lancashire Tourism awards for 'Best new business' and a winner of a 2015 Trip Advisor Certificate of Excellence.
21. The Council's planning officers supported the application subject to a number of conditions. However, the Council took a different view. They consider that the permitted use of the pods for camping, in association with the fishery, would attract users who would cause limited noise and disturbance. This would not result in harm to this generally quiet and peaceful area of the countryside or cause conflict with the nearby caravan site and the accommodation at Kirby's Farm. They are of the view that the general use of the site for camping would attract visitors who would not be as likely to respect the tranquillity associated with the fishery use. Noise from the camping area would be likely to cause disturbance to the users of the caravan site and holiday cottages and the neighbouring residents.
22. I agree with the Council that the use of the pods in association with the fishing lake would represent a single overall use with individual elements that would complement each other. Those wishing to fish in a quiet and tranquil environment, including at night, would be likely to respect others using the facility for the same purpose and they would be more likely to impose a degree of self-monitoring and management. Visitors unrelated to the fishing facility but respecting its presence, would be likely to take their activity away from the lakeside and I consider that their activity would be less likely to benefit from self-monitoring and management.
23. Although visitors seeking accommodation to support their fishing may bring their families to stay at the site, I find this to be significantly different to having

both a continuing fishery use and the use of the pods separately, specifically for a *glamping* experience designed for family and group holidays, albeit with fishing freely available. The appellant has provided no evidence to demonstrate that occupation when used by those seeking fishing accommodation is similar to that associated with general holiday users.

24. I share the Council's view that it would seem likely that adding holiday makers un-associated with fishing would result in a greater intensity of the use of the site. This separate activity would be directed away from the lake and its users. The way the use is being marketed would appear to be more likely to encourage a greater number of visitors with children and a more attractive proposition for larger groups. The additional temporary toilets and the management building that were on the site, together with the additional path around the lake but away from the immediate fishing area, appear to support this view and may also suggest that the use requires a greater management presence.
25. The site has been used for campers in tents, in addition to those within the pods. The planning statement advises that the purpose of the application is to achieve a composite permission for the site as it is currently used. The description of the use appears to facilitate a continued tent based camping use within the red edge of the application site. Although raised as a concern by third parties and considered by the environmental health officer, this potential has not been addressed by the appellant.
26. Any tent based camping in the area of the pods would represent further additional activity, over and above, that which was previously considered during the planning application for the pods. The Council have suggested a condition to prevent any other forms of camping, including tents. The reason for the condition relates to the visual amenity of the area. I find that such a condition would also need to be considered with regard to the intensity of the use, the potential for additional noise and the need for additional facilities.
27. Although the appellant has not addressed the proposed condition directly, the appeal statement advises that a number of conditions suggested in the officer report are accepted as appropriate by the appellant. In the planning statement however, it is made clear that any conditions more onerous than those on the existing permissions would not be acceptable. Despite the lack of clarity, I have considered the proposal on the basis that all camping activity, other than within the pods, would be prevented by condition.
28. Overall, even with a restrictive permission in place preventing other forms of camping, I am not persuaded that the permitted camping associated with the fishery use of the site would be similar in intensity to the use now proposed. I consider that the unrestricted use of these pods represents a materially different use to that permitted.
29. Notwithstanding the above, I agree with the appellant that a limited camping use of this site, need not lead to unacceptable conflict with the adjacent uses. The initial permission accepted such a use. The adjacent caravan site includes its own area for camping which is much closer to the caravans, the holiday cottages and the residential accommodation. Providing the facility is marketed in a way that attracts people who are likely to respect the neighbouring users;

the site and facilities are operated and laid out to avoid conflicts; and the site is managed to prevent and curtail activities that cause disturbance, then a camping use would be acceptable.

30. I have been provided with a link to, and extracts from, the appellant's current marketing web site. I also have extracts from historic marketing activities. It is clear that there has been a change, particularly with regard to group bookings, with an emphasis now on seeking to prevent the use of the site by wedding parties, stags, hens or anyone looking for a heavy drinking/rowdy trip. The new advertising also stresses what type of facility is offered and who it seeks to attract. This change in emphasis would help to reduce the conflicts that have previously taken place.
31. Many of the complaints relate to the 'events'. The appellant is of the view that these events can be controlled by the licensing legislation but in any event, it has been suggested that no future events are planned. I do not agree that controls over such activities, including those that do not represent development or fall within the scope of permitted development, should not be controlled by planning conditions. It appears that the events rely on the facilities of the site and would add to the activity currently proposed. Given the evidence provided, I consider that control over other uses of the site would be an essential requirement for any new permission.
32. The appellant suggests that it is hard to see how the use has any adverse impact in terms of noise and disturbance. However, I have no reason to doubt the evidence of the Council's Environmental Protection Officer and those writing advising of their particular experiences. The correspondence suggests that even if the events are not considered, the current general camping use results in significant issues with regard to noise and disturbance. These concerns appear to be directed particularly at the use of the site by large groups.
33. Although the marketing seeks to avoid the rowdiest of groups, it continues to encourage whole site booking and multiple pod booking. Other than not allowing the booking of more than five pods directly from the web site by a single person, there is no evidence to indicate that any other measures to manage large groups are in place or are proposed.
34. The layout of the site and the facilities provided are of importance when considering the potential to adequately manage guests on the site. The plans do not indicate where it is anticipated children's play and outdoor activities will take place. It is accepted that a landscaping condition could be imposed. This could assist in defining areas and providing screening. The original consent also included such a condition but I have no details as to what was required and the Council's report advises that at the time of writing, the landscaping requirement from the original application had not been implemented.
35. There is clearly the potential for additional bunds and significant new planting between this site and the neighbouring caravan site to reduce the visual conflict between the neighbouring uses, limit noise travel and assist in restricting access to the more sensitive areas of the site. I have found no justification for extending the area associated with the pods as this results in the need for greater levels of screening and less opportunity for planting close to the boundaries, particularly the area to the southwest. In any event, I have

no indication that a scheme that would provide a substantial buffer between the uses and a physical barrier to separate them, has been considered or would be visually acceptable.

36. The provision of fire pits for each pod is a key element of the marketing of the site. These allow residents to remain outdoors longer and later. This is a very quiet rural area with only a limited distance to the caravan site and other neighbouring properties. Activity around a camp fire, late at night, would almost inevitably result in noise that would be clearly perceptible beyond the site, particularly if associated with large groups. This experience has already been reported. The Environmental Protection Officer advises that people noise is difficult to control and manage, with most sites having a curfew.
37. Some noise from a camp site, at certain times, is inevitable and it is not the role of the planning system to prevent competition between similar uses. It does however have a role in preventing conflict with existing land uses when considering new development. Given the concerns that have already been reported, I would expect measures to be put forward to seek to limit such conflicts. The Council have suggested conditions that would prevent amplified music and a management plan which would include details of when the office would be open and contact details for the manager. These measures would not directly address the concerns with regard to noise from large or even small groups of campers.
38. No additional measures have been proposed by the appellant. I find the limited measures put forward to avoid conflict with neighbouring uses to be entirely inadequate. I am not satisfied that a condition requiring a more onerous management plan, without clear indications as to what it would contain, would be sufficiently precise to satisfy the requirements of the *National Planning Policy Framework* with regard to conditions.
39. It must be acknowledged that the site lies in a quiet countryside location with other uses in close proximity. The Council's suggested conditions would provide some benefits with regard to preventing additional camping and amplified music and I accept that the appellant has altered the marketing of the site to exclude the rowdiest of group bookings. However, I have found little in the evidence to suggest that the site management would change to prevent unacceptable disturbance of adjacent land users. All the past evidence and the mode of operation still promoted, points towards the contrary being the case.
40. Whilst I acknowledge that a limited camping facility, such as that already approved, could co-exist without harm to nearby uses, I am not satisfied that the type of use proposed, could be so closely located to those neighbouring uses without causing unacceptable harm.
41. Policy TREC7 of the Fylde Borough Local Plan 2005 accepts camping sites in areas where existing provision is inadequate subject to a number of matters including that the development would not be detrimental to the amenities of adjacent or nearby dwellings and would not promote conflict with other nearby land uses or operations. I have been provided with no evidence as to the adequacy of camping provision in the area. As the camping pods have a permission, the policy is not directed at the very particular circumstances of this case. However, I am satisfied that this proposal represents a new camping

use and as such, the policy is of some relevance. The proposal clearly conflicts with its objectives.

42. The appellant makes reference to Policy SP06 which relates to the expansion of existing businesses and commercial operations. I find some support for the proposal as although the overall use would be materially altered, it would complement the original business. Policy SP2 supports development needed for the continuation of existing enterprise providing it would not harm the character of the surrounding countryside. The case has not been made for the need to change the business and the policy refers to a separate chapter, which includes Policy TREC7, with regard to small scale tourism accommodation.
43. Reference has been made to Policy TREC10. This relates to rural recreational provision. I am not satisfied that it is directed at proposals such as this but it does seek to avoid conflict with other recreational users of the countryside and certainly does not offer support for uses that would result in conflict.
44. The *Framework* supports sustainable growth and a prosperous rural economy. It has not been made clear that the permitted use is unsustainable and could not be operated in accordance with the conditions imposed. However, it is perhaps reasonable to assume that the proposal would represent a financially more sustainable business and its users would contribute significantly to the rural economy. I therefore find support from elements of the *Framework* but given that the use as proposed, would conflict with other existing uses, it would be at odds with its amenity requirements. It would not therefore represent sustainable development.
45. I am mindful that letters of support have been received from eleven local residents and the Weeton-with-Preese Parish Council has not objected to the proposal. This provides some weight in favour of the proposal. However, an objection was received from the neighbouring Greenhalgh Parish Council. They also suggested conditions to prevent group bookings, prevent activity and access after 10pm, improve site washing and toilet facilities and improve management contact details. I agree with their concerns with regard to group bookings but I have concerns that the introduction of additional buildings has already been considered to be harmful to the area.
46. The decision of the Council to refuse the application was taken against the advice of the planning officers. However, I have found the conditions suggested to be inadequate to address my concerns. The advice of the Environmental Protection Officer was that if permission was granted, further complaints would be received and the applicant would have to introduce measures to control the guests on site. I consider that the Council was fully entitled to take an alternative view to its planning officers in these circumstances.

Conclusions

47. The intended use of these pods by those associated with the fishery would appear to require only limited management intervention given the generally shared objectives of those attending the site. The introduction of campers with no affiliation to the fishery would be more difficult to manage and would represent a materially different use.

48. I am not satisfied by the evidence that the type of camp site proposed and marketed, in such close proximity to the neighbouring uses, could be adequately managed to prevent unacceptable levels of noise. Even if I were to accept that management measures could prevent these noise concerns, I agree with the Council that the conditions put forward by their planning officers, together with the marketing changes carried out by the appellant, would not be sufficient. I am not satisfied that imposing additional conditions that would relate to a more onerous management plan, would be suitably precise.
49. A facility that would not result in harm to the operation of adjacent uses and the living conditions of neighbouring residents would gain support from the policies of the LP that relate to the rural economy, tourism and the promotion of business activity. It would gain similar support from the *Framework*. However, even if I set aside my concerns with regard to the scope of the application, as I find that with its current level of detail, it would be harmful to the adjoining users and the peaceful character of the countryside, it would conflict with the overall objectives of those policies and it would not represent sustainable development. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

Appeal Decision

Site visit made on 26 April 2016

by Paul Singleton BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2016

Appeal Ref: APP/M2325/W/16/3144759

Pipers Height Caravan Park, Peel Road, Blackpool FY4 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs John Rawcliffe against Fylde Borough Council.
 - The application Ref 14/0233, is dated 28 April 2014.
 - The development proposed is change of use of land to allow siting of residential caravans (Park Homes) with full 12 month use.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Rawcliffe against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal represents sustainable development having regard to the site's countryside location, its effect on the character and appearance of the landscape, and the use of agricultural land.

Reasons

Policy context

4. The proposed 74 twin unit caravans or 'park homes' would be for permanent residential use and the proposal needs to be considered on that basis.
 5. The Council is unable to demonstrate a 5 year housing land supply and, in accordance with paragraph 49 of the National Planning Policy Framework (Framework), relevant policies within the Council's development plan for the supply of housing should not be considered up to date. Paragraph 14 of the Framework advises that, in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
 6. Saved Fylde Borough Local Plan (Alterations Review 2005) (Local Plan) Policies HL2, which sets out development control criteria for housing proposals, SP2,
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which deals with the protection of the countryside from all forms of inappropriate development, and EP11 which is concerned with protecting landscape character, are not relevant policies for the supply of housing and are not, therefore, to be treated as being out of date. In addition, although Policy TREC 6 relates to the development of holiday rather than residential caravan sites, it provides a useful indication of some of the key issues relating to the acceptability of such developments.

Contribution to housing needs

7. The Council has an identified housing land supply of about 4.3 years against its agreed annualised requirement of 370 dwellings. Hence, there is a shortfall in the supply and the addition of 74 new homes must be regarded as a benefit of significant weight. The particular nature of the proposed accommodation, in the form of twin unit caravans, would also likely to extend the choice and range of accommodation in the area.
8. The appellant states that the homes are particularly suitable for older people looking to downsize and move into more cost effective accommodation and has suggested that occupation of the homes might be restricted to persons over the age of 60. I have seen no evidence to demonstrate that there is a particular need for such accommodation in the local area which is either unmet or underprovided for. Hence, although I accept that the proposal may possibly result in the freeing up some larger houses for family use, I am not able to attribute weight to this aspect of the proposal as a specific benefit of the scheme.
9. The appellant has referred to a number of housing developments, to the north of Whitehill Road, which were granted on appeal and I agree that these are of some relevance in terms of the application of the development plan policies. However, at the time that those appeals were allowed in 2011 and 2012 the available housing land supply was assessed at between 1.6 and 2.5 years and the need for the release of land for new housing was considerably more urgent than in the context of the current 4.3 year supply. Since those decisions were issued the Council has prepared a Revised Preferred Option of the proposed new Fylde Local Plan to 2032 (Local Plan to 2032) which was the subject of consultation in the latter part of 2015; that plan sets out a spatial strategy for focusing development in four strategic locations and proposes the allocation of sites for housing development. The Council is therefore taking appropriate actions to ensure an adequate supply of land for new housing in the borough.

Countryside location

10. The proposal does not fall within any of the exceptions to Policy SP2 which seeks to restrict development in countryside areas in order to protect the intrinsic value and rural character of the countryside; it would therefore conflict with that policy.
11. Over recent years a substantial amount of commercial and industrial development has taken place around the Preston Road/ Lytham St Anne's Way junction and along Lytham St Anne's Way itself; the extent of new residential development which has been undertaken is particularly notable. However, there has been no significant new development to the south of Whitehill Road. Largely due to the open nature and use of the land to the south of the road, and the presence of mature trees and hedgerows along

most of this boundary, Whitehill Road retains a semi-rural character in comparison to Lytham St Anne's Way and other roads to the north.

12. The contrast in the use and character of land either side of Whitehill Road is reflected in the Blackpool Periphery Map, published in 2015 as part of the Local Plan to 2032. As the new Plan is in draft form and has not been subject to examination it can be given only limited weight in the appeal. However, the continued designation, within the draft Plan, of the land to the south of Whitehill Road as countryside reflects my observations that the appeal site forms part of a larger expanse of mostly open land extending from Whitehill Road to the south and south west towards the built up area of Lytham. Accordingly I do not agree that the character of this part of the area has changed so much that its open countryside designation is no longer appropriate or of value. I therefore find that the countryside designation and Local Plan Policy SP2 should be given full weight.

Character and appearance of the landscape

13. The appeal site is separated from Whitehill Road by another agricultural field, with the long and largely open boundary to that field providing for views across the broad expanse of land stretching to the south west. The effectiveness of the perimeter bunds to the existing site suggests that the landscape bund proposed to the north western boundary of the site would provide effective screening of caravans on the appeal site in views from Whitehill Road. However, at nearly 200 metres (m) in length and 3.5m high, the proposed bund would severely curtail those existing medium to long distance views. The bund would also adversely affect the views available from within the new housing development to the north, albeit that none of the houses has an aspect on to Whitehill Road.
14. As the planting becomes established the visual impact of the proposed bund would no doubt be softened over time but, due to its size and height, I consider that it would permanently appear as unnatural feature in the existing, largely flat landscape. In combination with the loss of a large, open and mainly flat field, the introduction of an engineered structure of so substantial a scale in close proximity to the road would also have a significant harmful effect on the semi rural character of Whitehill Road.
15. When viewed from the south and south east, the visual effects of the proposed development would be limited due to the intervening landform and vegetation and, where views are available, the proposal would be seen against the background of industrial and commercial buildings on the fringes of Blackpool. From the northern end of Wild Road views of the appeal site are partially screened by a small number of large agricultural buildings and the vegetation along the line of the drainage ditch which forms the southern boundary to the site. However, I consider that some views of the development would be available from the proposed new distributor road which is to run parallel to Wild Road and which, I understand is to serve as a principal route between St Annes and the M55. Those parts of the existing sites that are visible from Wild Road are conspicuous due to the light colouring of the caravans and their relatively close spacing and these same factors would be likely to draw attention to the new development where views are available. Accordingly, I find that the proposal would have some, albeit limited adverse effect on the landscape when seen in those views.

16. Having regard to the above matters, I find that the proposal would cause significant harm to the character and appearance of the landscape in this part of the borough. As a result it would conflict with Local Plan Policy EP11, which seeks to ensure that development is sited and designed to reflect the character of the landscape in which it is located, and with Policy HL2, which seeks that new residential development should be compatible with nearby land uses and in keeping with the character of the locality.
17. I am mindful that the site adjoins two existing caravan parks which, when those areas with planning permission for the siting of static caravans have been developed, will cover a substantial area of land and will site around 400 caravans. These existing sites contribute to the existing pattern of land use within the local area and form part of the surrounding landscape. However, the existence of these sites as holiday sites does not create any precedent for the development of the adjacent site for 74 permanent residential caravans.

Loss of agricultural land

18. A letter, dated March 2012, from Armistead Barnett, Chartered Surveyors, states that the land is classified as Grade 3 under the Land Classification Maps for England and Wales but that statement conflicts with the extract from the Natural England Agricultural Land Classification, submitted by the Council, which shows the large majority of the appeal site to be within the Grade 2 category. Although the appellant's final comments argue that the land is of very limited value as agricultural land I have seen no technical analysis or report that would demonstrate that the Natural England Classification is incorrect. I must therefore assume that the appeal site includes land classed as amongst the best and most versatile agricultural land.
19. Paragraph 112 of the Framework advises that account should be taken of the economic and other benefits of the best and most versatile agricultural land and that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality. No argument has been advanced that the appeal proposal's contribution to meeting housing supply in the borough could only be met through the use of agricultural land and no assessment has been made as to whether other poorer quality areas of land could be developed in preference to the appeal site. Accordingly, I find that the appeal proposal would be contrary to the policy set out in paragraph 112 of the Framework.

Policy TREC 6

20. Although directed mainly at sites for holiday use, Policy TREC 6 states that the development of caravan sites will only be permitted if the proposal meets all of the criteria set out in that policy. Even if the proposal was for holiday rather than residential use it would not satisfy those criteria in that it;
 - would not comprise a modest extension or allow a lower density layout across the existing sites (1(a));
 - would have an significant prejudicial effect on the character of the area; and
 - would result in the permanent loss of best and most versatile agricultural land.

Other Matters

21. The transport assessment used trip generation figures determined using the 'Retirements Flats' category in the TRICS database. As this is the only basis on which the highways officer has assessed the proposal and found it to be acceptable a condition restricting the occupation of the caravans would be necessary and justified if I were minded to allow the appeal. However, for the reasons set out above I am not able to attribute any weight to this aspect of the proposal as a specific benefit of the scheme.
22. The Council's policies require that 30% of the proposed dwellings should be affordable homes which would equate to around 22 of the proposed units. The appellant is willing to pay a commuted sum to the Council in lieu of on-site provision of affordable housing but, in the absence of any legal agreement or unilateral undertaking, no such payment could be secured at the present time. I am, however, satisfied that the issue of affordable housing provision could be dealt with by means of a planning condition and that planning permission would not need to be withheld for this reason.
23. I note the Council's comments with regard to possible contributions to the provision of additional school places. However, in light of my conclusion as to the need, in view of the assessment of transport impacts, for a restriction which would limit occupation of the park homes to persons over 60, such a contribution would not be justified.

Conclusions with regard to sustainable development

24. The appeal site is located in relatively close proximity to the urban area which includes a range of employment areas, schools, shops and other local facilities and services. Some local shops and services would be within a comfortable walking or cycling distance and I observed on my site visit that the bus stops on Preston New Road are accessible via a direct and safe pedestrian route. Those bus stops provide access to frequent bus services to Blackpool town centre, Preston and Kirkham Railway Station. Future occupiers of the proposed development would have a good level of access to local facilities and services and a choice of sustainable travel options for making those journeys.
25. The appeal proposal would make a contribution to meeting housing needs in the borough and could provide an increased choice of housing. However, in the absence of any evidence of need either for the particular form of housing proposed or for housing for the over 60s age group, I am not able to give significant weight to these aspects of the proposal.
26. Whilst these potential benefits of the proposal must be given significant weight the harm in terms of inappropriate development in the countryside, landscape and visual harm, and use of best and most versatile agricultural land that the development would cause leads me to conclude that it would not constitute sustainable development.

Conclusions

27. Although it would result in some benefits of significant weight the proposal would cause substantial harm for the reasons set out above and would conflict with the development plan and the Framework's policies with regard to the protection of the countryside and the safeguarding of best and most versatile agricultural land.

28. For these reasons, and having regard to all matters raised, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of granting planning permission and that the appeal should be dismissed.

Paul Singleton

INSPECTOR

Costs Decision

Site visit made on 26 April 2016

by Paul Singleton BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2016

**Costs application in relation to Appeal Ref: APP/M2325/W/16/3144759
Pipers Height Caravan Park, Peel Road, Blackpool FY4 5JT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs John Rawcliffe for a full award of costs against Fylde Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for change of use of land to allow siting of residential caravans (Park Homes) with full 12 month use.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Within a few days of the application having been validated by the Council the Environment Agency sent an email directly to the appellant's agent advising as to the need for a Flood Risk Assessment and the Assessment Report was subsequently emailed to the case officer on the 12 September 2014. The Council's suggestion that the report was not received until the 2 April 2015 is not supported by the evidence; nor does it appear consistent with its statement that the Environment Agency withdrew its objection on the 1 April 2015.
4. The Council posted the request for an ecological assessment on its website on the 14 July 2014 but there is no evidence that it sent a copy of this to the appellant or his agent or made them aware of that request. It appears also that neither the appellant nor his agent was notified of the need for a Transport Assessment to be submitted in support of the application. I agree with the appellant that it would have been courteous and expected common practice for the agent to have been made aware of these requests.
5. In his subsequent email of 23 September, the agent expressly asked the officer to let him know if any additional information was needed by the Council but this was not replied to. When a reply was eventually sent, on the 19 December 2014, it made no reference to the lack of an ecology and transport assessment reports and, by indicating that the officer report would hopefully be finalised in

the week ending the 16 January, gave the clear impression that the Council had all the information that it required in order to determine the application. For the Council to give that impression to the appellant in the full knowledge technical reports were still awaited and then, seemingly, not to try to correct that false impression even after the target date for completion of the report had passed constituted unreasonable behaviour.

6. Having received the ecology and transport reports in July and August 2015 respectively there was a need for the officers to send that information to the relevant consultees for review and further comment and, although a four months wait for the highway officer to respond seems an unnecessarily long time, that was not within the control of the Council as local planning authority. The December meeting to discuss the application appears to have been held as quickly as possible given diary pressures and that meeting was quickly followed by the additional information and comments set out in the agent's email of 21 December. However, despite notifying the agent by return of his need to revisit the site the officer appears not to have made any such visit even by the time that the appeal was lodged. Although I would not have expected the officer to visit over the Christmas holiday the appellant had a right to expect that the visit would have been given priority after the holiday period given that an extension of time for the determination of the application had been agreed only up to the 13 January.
7. I find that both this element of delay and the Council's earlier failure to respond to the agent's emails in a timely manner and with accurate information constituted unreasonable behaviour. However, the commissioning of the transport, flood risk and ecology reports was necessary to demonstrate the acceptability of the proposals and those matters did not feature in the principal objections to the proposal set out in the Council's appeal statement. Hence, although I consider that the Council should have been more proactive in securing the submission of the technical reports and should have determined the application within a reasonable timescale, I am unable to conclude that this would have resulted in the Council granting permission such that the appeal was unnecessary.

Conclusion

8. For the reasons set out above I conclude that, whilst the Council has behaved unreasonably, this has not led the appellant to incur unnecessary or wasted expense in the appeal process and that an award of costs is not justified in this case.

Paul Singleton

INSPECTOR